

Nova Scotia Waitlist Settlement
Frequently Asked Questions (FAQ)

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Introduction

Last updated: **December 17, 2025**

This FAQ helps you learn about the **Nova Scotia Waitlist Settlement**, including:

- General information about the Settlement
- Eligibility requirements
- Compensation
- Timeframes
- How to submit a Claim, and
- Background on the class action that led to this Settlement.

We will update this document as required with new questions received by the Contact Centre.

General Questions about the Settlement

1. What is the Nova Scotia Waitlist Settlement?

From April 1, 1998, to August 25, 2025, Nova Scotians who were eligible for disability services under the *Disability Services Act* were put on waitlists for those services or placed in Institutions, Nursing Homes, or Hospitals.

In June 2024, a class action lawsuit was certified claiming that these waitlists were due to the province of Nova Scotia's mismanagement of the Disability Services Program (DSP). The lawsuit said that this violated sections [7 \(Life, liberty and security of the person\)](#) and [15\(1\) \(Equality rights\)](#) of the *Canadian Charter of Rights and Freedoms*. Nova Scotia decided to settle the lawsuit and pay compensation to people who were affected by waitlists.

2. Who is included in the Settlement?

These are the Classes (categories of individuals) in this Class Action:

Waitlist Class

All persons, who were alive as of May 4, 2022, who were on the waitlist for services (other than a residential placement for seniors) under the *Social Assistance Act*, S.N.S. 1989, c. 432, for any period of time after April 1, 1998, exclusive of any period for which an individual was a member of the Institution Class, the Nursing Home Class, or the Hospital Class.

Institution Class

All persons who were alive as of May 4, 2022, who for any period of time after April 1, 1998, resided at a Regional Rehabilitation Centre, Adult Residential Centre, or Residential Care Facility, while eligible for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432.

Nursing Home Class

All persons who were alive as of May 4, 2022, who:

- For any period of time after April 1, 1998, resided in a nursing home;
- Were eligible for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432 while residing in the nursing home; and
- Had been assessed by an agent or employee of the Department of Community Services as having support needs which fell within the mandate of the Department of Community Services pursuant to the Disability Support Program Policy (or Services for Persons with Disabilities Policy) applicable at the time of their residence in the nursing home.

Hospital Class

All persons, who were alive as of May 4, 2022, who for any period of time after April 1, 1998, resided in the Nova Scotia Hospital or another hospital operated by the Nova Scotia Hospital Authority or any of its predecessors, without a medical reason for the hospitalization, while eligible for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432

3. [What time period does the Settlement cover?](#)

The period covered by the Settlement runs from April 1, 1998, to August 20, 2025. There are different eligibility rules depending on the period of time an individual was on the waitlist. These are Category 1 Claims and Category 2 Claims.

Category 1 covers the period of time between May 4, 2020, and August 20, 2025.

Category 2 covers the period of time between April 1, 1998, and May 4, 2020. To qualify for compensation for this period, you must show that you were unable to start your own lawsuit because of mental incapacity. This means you could not make reasonable decisions about your financial and legal matters. These requirements follow Nova Scotia's two-year limitation period, which applies to both class actions and individual lawsuits. This class action started on May 4, 2022. Because of the

limitation period, Class Members can only get compensation for waitlist time before May 4, 2020, **if** they were unable to start a lawsuit on their own before that date.

For more information about proving legal incapacity, see the Compensation Protocol (Schedule "A" of the Settlement Agreement) on the class action website: NSWaitlistSettlement.ca.

4. Is the class action Settlement related to the Nova Scotia Human Rights case and Remedy Process?

This class action lawsuit is separate from the Human Rights case started by the Disability Rights Coalition of Nova Scotia. The Settlement from this class action is meant to work alongside the Nova Scotia Human Rights Remedy (aka "the Remedy") by providing compensation to those affected by the waitlists.

In the Human Rights case, the Nova Scotia Court of Appeal found that the Province of Nova Scotia had discriminated against people with disabilities in how it managed the Disability Support Program. Because of the court's decision, Nova Scotia is now making changes to its policies and programs, supervised by a Human Rights Board of Inquiry. This process is called the Remedy.

You can find more information about the Remedy at <https://www.dsp-transformation.ca/>, and <https://humanrights.novascotia.ca/remedy>.

The Settlement does not affect the Remedy process. The Settlement is managed by the parties involved in the class action and a Claims Administrator, while the Province of Nova Scotia continues with the Remedy.

Compensation

5. What does the Settlement provide?

The Province has agreed to pay \$32 million to settle the class action lawsuit. If there are enough valid claims from people who couldn't sue before May 4, 2020, the Province may add up to \$2 million more, for a total of \$34 million.

This money will be used for:

- Compensation for eligible Class Members
- Legal fees
- Administration and notice costs
- Fees for the litigation funder
- A payment to the representative plaintiff

How much each eligible Class Member receives depends on how long they were in the Waitlist Class, Institution Class, Hospital Class, or Nursing Home Class. For more details, check the "Compensation Overview" section [on the website](#).

6. How much compensation do approved Class Members receive?

Compensation is awarded according to the rules in the [Compensation Protocol](#), which is part of the Settlement Agreement (Schedule "A"). The Protocol outlines who is eligible and how much compensation each person may receive. Eligible Class Members are compensated based on the length of time they spent in each Class.

Here is a brief summary of the compensation amounts set out in the Compensation Protocol.

Waitlist Class:

If you were in the Waitlist Class for at least 6 months, you may get \$5,000. For every additional 12 months in the Waitlist Class, you may get an additional \$500.

Institution Class:

If you were in the Institution Class for at least 3 months, you may get \$15,000. For every additional 12 months in the Institution Class, you may get an additional \$1,500.

Nursing Home Class:

If you were in the Nursing Home Class for at least 3 months, you may get \$15,000. For every additional 12 months in the Nursing Home Class, you may get an additional \$1,500.

Hospital Class:

If you were in the Hospital Class for at least 1 month, you may get \$1,500 for each full month you were in the Hospital Class.

For detailed amounts and eligibility criteria, please refer to the [Compensation Protocol](#) in the Settlement Agreement or visit the “Compensation Overview” section [on the website](#). Depending on the number of approved claims, these amounts may be *pro-rated* (reduced) to make sure that the total amount of approved compensation does not add up to more than the amount of money available for compensation. If the number of eligible claims is lower than expected (and distribution is feasible), additional compensation may be distributed.

7. [Can I be a member of more than one Class? How will that affect my compensation?](#)

Class Members may be eligible for compensation in more than one Class. As a result, their compensation “stacks.”

Example: Sylvia was on a waitlist for services for six months (\$5,000), then moved to an Institution for three months (\$15,000). Sylvia could be eligible for \$20,000 in compensation. She could receive \$5,000 as a member of the Waitlist Class and \$15,000 as a member of the Institution Class.

8. [Can minor children receive compensation?](#)

Minor children cannot receive compensation as Class Members since individuals under 19 years of age are not eligible for Disability Support Payments (DSP).

9. [Will my compensation affect my Nova Scotia social assistance benefits?](#)

Compensation paid in this Settlement does not impact your eligibility for, amount of, or timing of social assistance benefits delivered under the *Social Assistance Act*, R.S.N.S. 1989, c. 432 and the *Employment Support and Income Assistance Act*, S.N.S. 2000, c. 27.

Submitting a Claim

10. How do I submit a Claim for compensation?

The Claims Period for this Settlement began on December 17, 2025. You can submit your Claim Form to the Claims Administrator in one of the following ways:

1. Online: Starting in late January 2026, complete and submit your Claim Form, along with all supporting documents, through the Claims Portal at Portal.NSWaitlistSettlement.ca.

2. Download and Submit: Right now, you can download the Claim Form from the Settlement Website, fill it out, and send it using **one** of these methods:

Email: Claims@NSWaitlistSettlement.ca

Fax: 302-450-4956

Mail: Claims Administrator
c/o Deloitte LLP
PO Box 998 STN CENTRAL
Halifax, NS B3J 2X1

Be sure to include all required supporting documentation with your submission.

11. There are four Claim Forms. Which one do I choose?

Each Claim Form is used in different situations.

Claim Form 1 – Application

This is the Claim Form that must be completed **for every Claim**. If you're submitting your own Claim Form this is the only one you need to fill out.

Claim Form 2 – Personal Representative

This Claim Form **and** *Claim Form 1- Application* need to be completed if the Class Member is a Person Under Disability and the Claim is being submitted by their legally appointed Personal Representative. A Person Under Disability, as defined in the *Adult Capacity and Decision-making Act*, S.N.S 2017, c4, is someone who is incapable of managing their own financial affairs.

For this Settlement, a Personal Representative is someone who has the legal authority to make decisions on behalf of a Person Under Disability.

Claim Form 3 – Executor or Administrator

This Claim Form **and** *Claim Form 1- Application* need to be completed if the Class Member has passed away and the Claim is being submitted by their Estate Representative. An Estate Representative is someone who has been legally appointed as the Executor or Administrator of a Deceased Class Member's estate.

Claim Form 4 – Next-of-Kin Representative

This Claim Form **and** *Claim Form 1- Application* need to be completed if the Class Member has passed away and no one has been legally appointed as the Executor or Administrator of the Deceased Class Member's estate. A Next-of-Kin Representative can be any relative of the Deceased Class Member.

12. I'm filling out a Claim Form for myself. What information do I need to submit with my Claim?

For *Claim Form 1 – Application*, all you need to provide is:

- Your contact information
- Your date of birth
- A copy of your government-issued ID

You will also be asked to indicate which Class(es) you belong to.

If you are part of the Hospital, Institution, or Nursing Home Class, there is an optional section where you can write where and when you were placed. If you don't know this information, you can leave it blank—it does not affect your eligibility for compensation.

13. What if I don't have a valid, government-issued ID?

If you don't have a valid piece government-issued ID, you can fill out a "Declaration of Identity." This can be found in Part 2B of *Claim Form 1 – Application*.

You will need to sign the Declaration in the presence of a Guarantor. A list of acceptable Guarantors is included on the Claim Form. The Guarantor must witness your signature, then fill in their name, contact details, and signature to validate the Declaration.

14. How do I submit a Claim for a Person Under Disability?

If you are the legally appointed Personal Representative of a Person Under Disability, follow these steps:

1. Complete *Claim Form 1 – Application*, on behalf of the Class Member you represent.
2. Fill out *Claim Form 2 – Personal Representative*. For this form, you need to provide:
 - Your contact information
 - A copy of your government-issued ID (please do not send originals)
 - You must also include proof that you have the legal authority to apply for and accept compensation for this Class Member. Acceptable proof can include:
 - An enduring Power of Attorney signed before the person became unable to manage their finances
 - A Representation Order under *Nova Scotia's Adult Capacity and Decision-Making Act*

- A provincial or territorial court order
- An order appointing a provincial or territorial Public Guardian or Trustee

These documents confirm that you are authorized to act on the Class Member's behalf.

15. How do I submit a Claim for a Deceased Class Member if I'm the Executor, Administrator, Trustee or Liquidator of their estate?

If you are the legally appointed Estate Representative of a Deceased Class Member, follow these steps:

1. Complete *Claim Form 1 – Application*, on behalf of the Deceased Class Member.
2. Fill out *Claim Form 3 – Executor or Administrator*. For this form, you must provide:
 - Your contact information
 - A copy of your government-issued ID (please do not send originals)
 - Proof of death (such as a death certificate)
 - Proof that you are the legally appointed Estate Representative
3. You can be an Estate Representative if you are:
 - The Executor named in the Deceased's will, or
 - An Estate Administrator appointed by a Canadian court
 - Acceptable proof that you are the Estate Representative includes official documents from a court or authority in Canada, such as:
 - Grant of Probate
 - Grant and Letters Testamentary
 - Grant of Administration

These documents show that you have the legal authority to act as the Estate Representative for the Deceased Class Member.

16. How do I submit a Claim for a Deceased Class Member if they don't have an Executor or Administrator for their estate?

If a Deceased Class Member did not name an executor or administrator (i.e., a person who has been appointed by a court to manage their estate), any relative can submit a Claim. Here's what you need to do:

1. Complete *Claim Form 1 – Application* (for the Deceased Class Member).
2. Fill out all required information about the Deceased Class Member.
3. Complete *Claim Form 4 – Next-of-Kin Representative*:
 - Provide your contact details.
 - Attach a copy of your government-issued ID (do not send originals).
 - Include proof of the Class Member's death (e.g., death certificate).
4. Prove Relationship as to the Class Member:
 - Submit documents proving your relationship (e.g., marriage certificate, birth certificate).
 - Provide information about other family members.
 - Only the nearest relative (spouse, child, parent, or sibling) is eligible for compensation.
5. Notify Other Family Members (this is required to help the Claims Administrator validate and prioritize claims):
 - Inform all other family members about the claim.
 - Record their responses or any objections.
6. Additional Documentation (since you lack legal authority/court order):
 - A declaration sworn before a notary, lawyer, or commissioner of oaths.
 - An attestation from someone who knew the Deceased Class Member for at least five years.

These steps help confirm your identity and relationship to the Deceased Class Member.

The Claims Process

17. How long do I have to submit my Claim Form?

The deadline for this Settlement is March 17, 2027. You must submit your Claim Form(s) and all supporting documents by this date to be considered for compensation.

18. What happens if I don't submit my Claim Form by March 17, 2027?

You can still submit your Claim Form up to 90 days after the Claims Deadline (June 15, 2027) if you can show the Claims Administrator that:

- The delay was due to your disability,
- You intended to submit your Claim Form(s) but were unable to do so because of circumstances outside your control, or
- You can show there were exceptional circumstances.

19. What happens after I submit my Claim Form?

This is a high-level summary of the Claims Process for this Settlement.

1. **Review for Completeness:**

The Claims Administrator reviews your Claim Form to make sure all required information and documents are included.

- **Verification with the Province:** The Claim Form is shared with Nova Scotia which checks the details against their records. This includes verifying how long the Class Member was on a waitlist or placed in an Institution, Hospital, or Nursing Home.
- **Summary Provided:** Nova Scotia provides an Application Summary to the Claims Administrator.

2. Eligibility and Compensation Decision:

The Claims Administrator assesses the Class Member's eligibility and calculates the compensation amount.

3. Notification:

The Claims Administrator informs the Class Member of the eligibility decision.

4. Distribution of Compensation:

Compensation is distributed after all claims have been reviewed and assessed.

For full details, please see to the [Compensation Protocol](#).

20. What if my Claim Form is incomplete, or if I haven't provided the required documentation?

If the Claim Form is incomplete, the Claims Administrator notifies the Class Member in writing within 30 business days of receiving it. The Class Member then has the later of either 60 days from the date of the notice or the Claims Deadline to provide the missing information. If the missing information is not provided, the Claim will be denied.

21. I was impacted by waitlists between April 1, 1998, and May 4, 2020. Can I still qualify for compensation?

This class action started on May 4, 2022. Because Nova Scotia has a two-year limitation period, you can only receive compensation for Waitlist time before May 4, 2020, if you were able to start a lawsuit on your own before that date.

To qualify for compensation for this earlier period, you must prove that you were unable to start your own lawsuit due to mental incapacity. This means you were unable to make reasonable decisions about your finances or legal matters.

If provincial records do not already show that you were legally incapable, you will need to provide evidence that you were mentally incapacitated during that time.

Acceptable evidence may include:

- Records showing you were a client of the public trustee
- An order under the *Adult Protection Act* or the *Incompetent Persons Act*
- Hospital or psychiatric facility records

For more information about proving legal incapacity, see the [Compensation Protocol](#).

Accessibility

22. What is the Claims Administrator doing to ensure Class Members' accessibility needs are met?

The Claims Administrator has put in place procedures that reflect leading practices for communicating with, supporting, and validating the autonomy of people with disabilities. These include:

- Applying recognized accessibility guidelines to the website and Claims Portal where possible.
- Providing written material in alternative formats on request.
- Training Contact Centre staff on providing accessible customer service and best practices for providing customer service to people with disabilities.
- Consulting with an Accessibility Advisory Board to provide advice and guidance on protocols during court hearings, communications, and development of Claim Forms.

Claims Administrator

23. Who is the Claims Administrator? What is the Claims Administrator's role?

The Court appointed Deloitte LLP to act as the Claims Administrator for this Settlement. The Claims Administrator:

- Oversees all aspects of the Claims Process
- Assesses Claim Forms and supporting documents
- Provides information and answers questions for Class Members and their Representatives
- Maintains the Settlement website and Claims Portal
- Calculates and pays compensation

Disputes

24. What happens if I disagree with the Administrator's decision on my Claim?

If you disagree with the Claims Administrator's decision on your Claim, you must submit a Dispute Form and any supporting documents (such as correspondence or Disability Services Program records) within 60 days of receiving the Administrator's decision. The form will provide space for you to explain why you disagree with the decision.

The Claims Administrator sends these materials to the Province, which then has 60 days to respond. If the Province agrees or partially agrees with the Class Member, the Claims Administrator's decision will be changed accordingly.

If the Province does not fully agree with the Class Member, the Claims Administrator sends everything to a Claims Adjudicator (an independent third-party reviewer), who has 30 days to make a decision. The Claims Adjudicator's decision is provided to the Claims Administrator who shares it with the Class Member and the Province.

25. How will the Claims Administrator protect the personal information and documents I provide with my Claim Form?

The Claims Administrator is committed to ensuring that the information you provide is kept private and confidential. We use the personal information you provide and that is collected about you strictly for the purposes of executing our duties under the Settlement Agreement. Part 6 of *Claim Form 1 – Application* explains that your information will be shared with the Province, Class Counsel, Auditors, and the Court as required. By signing *Claim Form 1 - Application*, you are agreeing with the way the Claims Administrator will use your personal information. For more details, see the Privacy Statement on our website, NSWaitlistSettlement.ca.

Getting More Information

26. What can I do if I have more questions? What if I need help with my Claim?

For help with filling out your Claim Form or questions about the Settlement you can contact the Claims Administrator at 1-844-677-1771 (9:00 a.m. to 5:00 p.m. AT, Monday to Friday, except for holidays) or Info@NSWaitlistSettlement.ca. You can also visit the Settlement website, NSWaitlistSettlement.ca or contact Class Counsel, the lawyers for the plaintiffs in this Settlement:

Koskie Minsky LLP

Email: NovaScotiaDisabilityServicesClassAction@KMLaw.ca

Toll-Free Telephone: [1-877-309-9111](tel:1-877-309-9111)

Mail: 20 Queen St West, Toronto, ON M5H 3R4

Website: kmlaw.ca/cases/nova-scotia-disability-services-class-action/

McKiggan Hebert Lawyers

Email: Info@McKigganHebert.com

Telephone: [902-706-2298](tel:902-706-2298)

Mail: 1959 Upper Water St Suite 502, Halifax, NS B3J 3N2

Website: apmlawyers.com/nova-scotia-disability-rights-discrimination-class-action/

You do not have to pay any fees to talk to Class Counsel about this Settlement.