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**OFFICE CONSOLIDATION, 1952**

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of the law*

CHAP. 38.

An Act to provide for Allowances for Blind Persons.

**THE BLIND PERSONS ACT**

**Chapter 38, Statutes of Canada, 1951 (First Session)**

1. This Act may be cited as *The Blind Persons Act*.

2. In this Act

(a) "agreement" means an agreement made under section 10

(b) "allowance" means a blind persons allowance provided under provincial law to the persons and under the conditions

**THE BLIND PERSONS REGULATIONS APPROVED**

**BY ORDER IN COUNCIL P.C. 6595**

**DATED DECEMBER 6, 1951**

(c) "dependent" means a person who is dependent on his

daughter who is dependent on him for maintenance, and includes a person who is dependent on his daughter who has not attained the age of sixteen years, and is prevented from earning a livelihood by reason of physical or mental incapacity;

(d) "Minister" means the Minister of National Health and Welfare;

(e) "provincial authority" means the officer or body charged with the administration of the provincial law;

(f) "provincial law" means a law of a province that provides for the payment of blind persons allowances to the persons and under the conditions specified in the Act and the regulations, and authorizes the provincial authority to enter into an agreement with the Government of Canada in accordance with this Act;



(g) "province" includes the Northwest Territories and the Yukon Territory;

(h) "resident" means a person to whom an allowance has been granted and includes an applicant for an allowance; and

(i) "unmarried person" includes a widow, a widower, a divorced person and a married person who, in the opinion of the provincial authority, is living separate and apart from his spouse.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1952

OFFICE CONSOLIDATION 1952

It is the intention of the Board to publish this Act in the next issue of the Statutes of Canada.

# THE BLIND PERSONS ACT

(Chapter 22, Statutes of Canada, 1951) (Third Session)

THE BLIND PERSONS ACT, 1951

AS ENACTED BY PARLIAMENT

DATED DECEMBER 6, 1951

PRINTED AND BOUND AT THE PARLIAMENTARY PRESS, OTTAWA, CANADA



CHAP. 38.

An Act to provide for Allowances for Blind Persons.

[Assented to 30th June, 1951.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as *The Blind Persons Act*.

Short title.

2. In this Act,

Definitions.

(a) "agreement" means an agreement made under section three;

"Agreement."

(b) "allowance" means a blind persons allowance provided under provincial law to the persons and under the conditions specified in this Act and the regulations;

"Allowance."

(c) "application" means an application for an allowance;

"Application."

(d) "dependent child" means a son or step-son who has not attained the age of sixteen years and a daughter or step-daughter who has not attained the age of seventeen years, and includes a son, step-son, daughter or step-daughter who has not attained the age of twenty-one years and is prevented from earning a livelihood by reason of physical or mental incapacity;

"Dependent child."

(e) "Minister" means the Minister of National Health and Welfare;

"Minister."

(f) "provincial authority" means the officer or body charged with the administration of the provincial law;

"Provincial authority."

(g) "provincial law" means a law of a province that provides for the payment of blind persons allowances to the persons and under the conditions specified in this Act and the regulations, and authorizes the province to enter into an agreement with the Government of Canada in accordance with this Act;

"Provincial law."

(h) "province" includes the Northwest Territories and the Yukon Territory;

"Province."

(i) "recipient" means a person to whom an allowance has been granted and includes an applicant for an allowance; and

"Recipient."

(j) "unmarried person" includes a widow, a widower, a divorced person and a married person who, in the opinion of the provincial authority, is living separate and apart from his spouse.

"Unmarried person."

Agreements  
with  
provinces.

3. (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of allowances paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, seventy-five per cent. of forty dollars monthly or of the amount of the allowance paid by the province monthly to the recipient, whichever is the lesser.

Qualifica-  
tions.

(2) Payments to a province pursuant to this section shall be made only in respect of a recipient who

(a) at the date of the proposed commencement of allowance payments to him

(i) is blind, and

(ii) has attained the age of twenty-one years, and

(iii) has resided in Canada for the ten years immediately preceding that date, or if he has not so resided, has been present in Canada prior to those ten years for an aggregate period equal to twice the aggregate period of absences from Canada during those ten years; and

(b) is not in receipt of assistance under *The Old Age Assistance Act* or an allowance under *The War Veterans' Allowance Act, 1946*, or a pension under *The Old Age Security Act* or a pension in respect of blindness under the *Pensions Act*; and

(c) is

(i) an unmarried person, without a dependent child or children and his income, inclusive of allowance, is not more than eight hundred and forty dollars a year, or

(ii) an unmarried person with a dependent child or children, and his income, inclusive of allowance, is not more than one thousand and forty dollars a year, or

(iii) married and living with his spouse and the total income, inclusive of allowance, of the recipient and his spouse is not more than thirteen hundred and twenty dollars a year, or

(iv) married and living with his spouse who is blind and the total income, inclusive of allowance, of the recipient and his spouse is not more than fourteen hundred and forty dollars a year.

Amount of  
payments by  
Government  
of Canada.

4. An agreement with a province shall contain a covenant by the Government of Canada to pay to the province each month the amount that the Government of Canada is at that time authorized to pay to the province under this Act.

Allowance  
payable  
monthly in  
arrears.

5. (1) The allowance in respect of which the Government of Canada is authorized by this Act to make payments shall be payable monthly in arrears.

Where  
recipient  
dies.

(2) Where a province pays an allowance in respect of a recipient for the whole of the month in which the recipient dies, the Government of Canada shall make payments in respect thereof in accordance with section three.

6. Subject to the conditions specified in the regulations, a provincial authority is entitled, for the purpose of ascertaining the age of a recipient, to obtain from the Dominion Bureau of Statistics any information respecting the age of a recipient that is contained in the returns of any census taken more than thirty years before the date of the application for such information. Census records.

7. In every agreement the province shall, subject to section three, Provisions of agreement.

(a) specify the maximum allowance to be paid by it to a recipient;

(b) provide for the reduction of such maximum allowance by the amount of any income received by a recipient in excess of an amount to be specified in such agreement; and

(c) covenant and agree

(i) that the provincial authority will consider applications from persons resident in the province in the manner prescribed by regulation, and where satisfied that a recipient is properly and lawfully entitled to the allowance, under the conditions specified in this Act, the regulations and the agreement, grant the allowance to such recipient in the amount specified in the agreement;

(ii) that where a recipient, during the last ten hundred and ninety-five days that he was present in Canada prior to reaching the age of twenty-one years, or prior to making application for the allowance, whichever is the later, was present in the province for a greater number of days than in any other province, the province will reimburse any other province that is paying the allowance to the extent of twenty-five per cent. of the amount of the allowance;

(iii) that the province will, where a recipient who has been granted an allowance transfers his residence to such province from another province, pay the allowance;

(iv) that where a recipient, to whom the province has granted an allowance, transfers his residence to another province with which no agreement is in force, the province will continue to pay the allowance to such recipient;

(v) that where a recipient, who has been granted an allowance, transfers his residence to some place out of Canada, the province will discontinue payment of the allowance and not resume payment thereof until such recipient has again become resident in Canada;

(vi) to make statutory provision for penalties to ensure the proper carrying out of the provincial law and to provide that no allowance shall be subject to alienation or transfer by a recipient or to attachment or seizure in satisfaction of any claim against him, and that the receipt of the allowance shall not by itself constitute a disqualification from voting at any provincial or municipal election;

(vii) that the province will furnish without charge to the provincial authority of any province, a certificate of the date of the birth of any recipient born within the province;

(viii) to maintain proper and adequate records and accounts respecting the payment of allowances, and to permit of an examination, inspection and audit by the Government of Canada of all such payments and of the records and accounts with respect thereto;

(ix) that where a recipient or his spouse has, within the five years preceding the date of application, made an assignment or transfer of property the consideration for which is, in the opinion of the provincial authority, inadequate, or where it appears to the provincial authority that any assignment or transfer of property made by a recipient or his spouse was made for the purpose of qualifying the recipient for an allowance, or for a larger allowance than he otherwise would be entitled to receive, or to prevent recovery of any claim under the provincial law, the province will deem the property so assigned or transferred to be property of the recipient or his spouse owned at the date of the application as though the assignment or transfer had not been made;

(x) that where recovery of the amount of any allowance is made from a recipient or his estate, the province will furnish to the Government of Canada monthly a report thereof and pay to the Government of Canada an amount that bears the same ratio to the amount so recovered as the total amounts paid by the Government of Canada in respect of allowance payments made to such recipient bears to the total of such allowance payments.

Payments  
out of  
C.R.F.

**8.** All sums of money payable to a province in pursuance of an agreement shall be paid by the Minister of Finance on the certificate of the Minister out of the Consolidated Revenue Fund, and all such payments shall be made subject to the conditions specified in this Act and the regulations and subject to the observance of the covenants, agreements and undertakings contained in the agreement.

Duration of  
agreements.

**9.** (1) Subject to subsection two, every agreement shall continue in force so long as the provincial law remains in operation or until the expiration of ten years from the day upon which notice of an intention to terminate the agreement is given by the Minister, with the approval of the Governor in Council, to the province with which the agreement was made.

Amendment.

(2) An agreement may be amended or terminated by mutual consent of the parties thereto with the approval of the Governor in Council.

Coming into  
force of  
agreement.

**10.** An agreement shall not come into operation until the Governor in Council has approved the scheme for the adminis-

tration of allowances proposed to be adopted by the province, and no change in the scheme shall be made by the province without the approval of the Governor in Council.

**11.** (1) The Governor in Council may make regulations for **Regulations.** carrying the purposes and provisions of this Act into effect, and, without limiting the generality of the foregoing, may make regulations providing for

- (a) the definition of "blind" for the purposes of this Act;
- (b) the time, manner and form of making an application, the information and evidence to be submitted in connection therewith, and the procedure to be followed by the provincial authority in the consideration of applications;
- (c) the investigation into applications and into the eligibility of a recipient to receive an allowance, the reports to be made and the information to be supplied by or in respect of recipients;
- (d) the conditions under which information may be obtained from the Dominion Bureau of Statistics as provided in section six;
- (e) the definition of residence in Canada for the purposes of this Act and the extent of intervals of absence from Canada that shall be deemed not to have interrupted the continuity of residence;
- (f) the definition of income for the purposes of this Act, and the manner in which income is to be determined, including the income of a recipient and his spouse, and the determination of the amount thereof that each shall be deemed to receive, whether they live together or separate and apart;
- (g) determining the amount that for the purposes of this Act shall be deemed income of a recipient from any interest in real or personal property of the recipient or his spouse owned or deemed to be owned at the date of making application or acquired subsequent thereto;
- (h) the time at which, after application therefor, the payment of the allowance shall commence;
- (i) the payment of allowances to persons as trustees for the benefit of recipients who are incapacitated through infirmity, illness, or any other cause;
- (j) the circumstances justifying or requiring the suspension of the payment of allowances and the resumption of payment; and
- (k) the recovery of the amount of allowance payments to which a recipient was not entitled under this Act, the regulations and the agreement.

(2) No regulation by reference to which an agreement with **Alteration of regulations.** a province has been made shall be altered, except with the consent of the province or in accordance with the regulations to which it has agreed.

(3) There shall be an Advisory Board consisting of two **Advisory Board.** representatives of the Government of Canada, appointed by the

Governor in Council, and two representatives of each of the provinces with which agreements have been made, appointed by the Governor in Council on the recommendation of such provinces, to recommend such alterations to the regulations as may from time to time appear to be necessary or advisable.

**Report.** 12. The Minister shall, as soon as possible after the termination of each fiscal year, submit a report to Parliament respecting the operation for that year of the agreements made under this Act and of the payments made to the provinces under each of the agreements.

**Repeal.** 13. (1) Section eight A of the *Old Age Pensions Act*, chapter one hundred and fifty-six of the Revised Statutes of Canada, 1927, is repealed.

**Saving.** (2) Notwithstanding the repeal of section eight A of the *Old Age Pensions Act*, where a province that has not entered into an agreement under this Act continues to pay pensions to the persons and under the conditions specified in section eight A of the *Old Age Pensions Act* in accordance with the terms of an agreement made by that province under the *Old Age Pensions Act* and in force on the thirty-first day of December, nineteen hundred and fifty-one, the Government of Canada will, in accordance with the terms of such agreement and the *Old Age Pensions Act*, continue to make payments to such province in respect of the pensions so paid as though the said section eight A had not been repealed.

**Coming into force.** 14. This Act shall come into force on the first day of January, nineteen hundred and fifty-two.



## THE BLIND PERSONS REGULATIONS

**Regulations made and established by Order in Council P.C. 6595  
dated December 6, 1951, under the authority of The Blind  
Persons Act, Chapter 38, Statutes of Canada, 1951.**

(First Session).

### *Short Title*

1. These Regulations may be cited as The Blind Persons Regulations.

### *Interpretation*

2. (1) In these Regulations

- (a) "Act" means The Blind Persons Act;
- (b) "Director" means the Director of Blind Persons Allowances in The Department of National Health and Welfare; and
- (c) "personal property" includes the immediate realizable value of the amount remaining to be paid to a recipient or his spouse under a mortgage or agreement for sale, the proceeds of insurance received by a recipient or spouse and the cash surrender value of life insurance available to a recipient or his spouse.

(2) For the purpose of the Act and these Regulations, a person shall be deemed to be "blind" only when the visual acuity of such person, after correction through the use of proper refractive lens, is not more than 6/60 Snellen or the field of vision in each eye of such person is reduced to less than ten degrees.

### *Provisions as to Notices*

3. (1) Any notice or other document required or authorized to be sent or delivered for the purpose of these Regulations shall be in writing.

(2) Any notice or other document required or authorized to be sent or delivered to any person by the provincial authority for the purpose of these Regulations shall be deemed to be duly sent or delivered at the time at which the notice or document is posted to that person at his ordinary address.

### *Application*

4. (1) Application for an allowance may be made by any person who alleges that he has attained the age of twenty years and six months and that he is a blind person.

(2) Application shall be deemed to have been made only when an application form completed by, or on behalf of, an applicant is actually received in the office of the provincial authority for the province in which the applicant is resident.

(3) Without restricting the right of the provincial authority to prescribe the form or contents of an application, an application shall state:

- (a) the full name of the applicant including, in the case of a married woman, her full maiden name, and, in the case of an applicant who has changed his name, the name before such change was made;
- (b) the present address of the applicant, place and date of birth (including the place and date of birth of the spouse) and place or places of residence during the ten years preceding the date of application;
- (c) the sex and particulars of the marital status of the applicant including, in the case of an unmarried person with a dependent child or children, the names and ages of such children, and in the case of a married person, whether such person is living with his or her spouse and whether such spouse is sighted or blind;
- (d) the occupation, income and means of subsistence of the applicant and spouse;
- (e) the time at which the applicant first considered himself to be a blind person, and the cause of his impaired vision, if known;
- (f) particulars of any real or personal property apart from household furnishings and personal effects owned by the applicant or spouse at the date of application;
- (g) particulars of any real or personal property which the applicant or spouse transferred to any person or persons within the five years preceding the date of application.

(4) The application shall be supported by a statutory declaration of the applicant or person making application on behalf of the applicant to the effect that all the statements in the application are true to the best of his knowledge and belief and that no information required to be given has been concealed or omitted.

(5) Every provincial authority shall supply, without charge, a form of application to any person who desires to make an application and, if so requested, shall give all information and assistance possible in completing the application.

(6) Any person who immediately prior to the date that an allowance is payable in a province pursuant to an agreement made under section 3 of the Act is in receipt of a pension in respect of blindness pursuant to section 8A of the Old Age Pensions Act, Chapter 156, Revised Statutes of Canada, 1927, shall be deemed to be a person who has fulfilled the requirements of the Act and these Regulations, and, notwithstanding the provisions of the preceding subsections of this section and of sections 5, 6, 7 and 8, the provincial authority may regard such person as a person who has made application for an allowance and who has fulfilled the requirements of the Act and Regulations, and, without further investigation or examination, may approve the application made by such person under the Old Age Pensions Act as an application made under the Act and these Regulations and determine the rate of allowance accordingly.

#### *Investigation of Claims and Medical Examinations*

5. (1) The provincial authority shall, in respect of each application, cause an investigation to be made into the facts and circumstances as therein set out, including a report respecting the physical activities that such applicant is able to perform without assistance, and such other matters as may be necessary to determine the eligibility of the applicant for an allowance.

(2) The investigation required by subsection (1) shall be made not sooner than four months before the date of the proposed commencement of the allowance.

(3) Providing such investigation discloses that the applicant, subject to proof of blindness, is eligible for an allowance, the provincial authority shall forward to the Minister the full name and address of the applicant, and shall certify that the applicant has fulfilled the conditions set out in subparagraphs (ii) and (iii) of paragraph (a) and paragraphs (b) and (c) of subsection (2) and section 3 of the Act. The provincial authority shall, at such time, furnish to the Minister a copy of the portion of the investigation report dealing with the physical activities that the applicant is able to perform without assistance.

6. (1) At the time the information as provided in section 5 is forwarded to the Minister, the provincial authority shall arrange with an oculist, who has been approved by the Minister, for the examination of the applicant and shall notify the applicant accordingly. The provincial authority shall forward to the oculist prior to the examination a copy of the portion of the investigation report dealing with the physical activities that the applicant is able to perform without assistance. The expenses of such examination, other than the cost of transportation and living expenses of the applicant incidental to such examination, may be paid out of moneys appropriated therefor by Parliament.

(2) The oculist shall conduct an examination as required by these Regulations and in accordance with any instructions given by the Minister to whom he shall forward a report thereof on forms provided for that purpose.

(3) The Minister shall, upon receipt of such report, issue a certificate and shall forward the same to the provincial authority; the certificate shall state *inter alia*

- (a) whether or not the applicant is blind within the meaning of the Act and Regulations;
- (b) whether or not the applicant is likely to continue to be blind within the meaning of the Act and Regulations; and
- (c) the times at or before which additional medical examinations, if any, should be made to ascertain that the applicant continues to be blind within the meaning of the Act and Regulations.

(4) Where an applicant is certified as blind as hereinbefore provided and is otherwise eligible for an allowance the provincial authority shall determine the rate thereof and approve the application accordingly; provided that if the provincial authority is not satisfied that the applicant is blind within the meaning of the Act and Regulations, it may, notwithstanding the certificate, refuse to approve such application but shall, in such event, advise the Minister giving the reasons therefor.

7. Where the Minister has received satisfactory information that the applicant is blind within the meaning of the Act and Regulations he may dispense with the examination required by section 6 and forthwith issue the certificate as provided by subsection (3) thereof.

8. No allowance shall be granted or paid until the Minister has certified that the applicant is blind within the meaning of the Act and Regulations.

9. The Minister may, at any time, require an applicant or recipient to report for medical examination and to furnish such information as he or the provincial authority may from time to time require.

10. (1) Where an application has been approved and an allowance is being paid, the provincial authority shall, each year, cause an investigation to be made into the circumstances of the recipient to determine whether such recipient continues to be eligible for an allowance and the amount thereof, and the report of such investigation shall include a description of the physical activities that such recipient is able to perform without assistance at that time. A copy of the report of such yearly investigation or a copy of the portion that deals with the physical activities that the recipient is able to perform without assistance at that time shall be forwarded to the Minister.

(2) Before altering the rate of allowance being paid to a recipient or before suspending an allowance or reinstating an allowance which has been suspended, the provincial authority shall cause an investigation to be made into the circumstances of the recipient; provided that in any individual case the provincial authority may, in lieu of such investigation, make such enquiry and obtain such information as it deems adequate.

(3) The report of any investigation or enquiry made shall be filed with the application and shall be available at any time for inspection by officials of the Government of Canada.

(4) An investigation required by this section shall be made by an investigator in the employ of the provincial authority or the provincial government or by a duly authorized representative of any other agency if such representative is recommended by the provincial authority and approved by the Minister, and such investigator or representative, as the case may be, shall, in the course of such investigation, personally interview the recipient.

(5) All applications and accompanying documents received by any person other than the provincial authority shall be forwarded to the provincial authority and no person other than the provincial authority shall approve or reject any application or alter the rate of allowance.

#### *Age*

11. (1) For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards age, the applicant shall forward to the provincial authority a certificate of birth or of baptism, or, if neither certificate is obtainable, shall forward any other documentary evidence that he may have or be able to obtain from which his age may be determined.

(2) If the provincial authority is satisfied that the applicant is unable to furnish satisfactory evidence as to his age as provided in subsection (1), the provincial authority shall endeavour to obtain information from other sources and, in the case of an applicant who alleges he was born in Canada, the provincial authority shall, if records for the period in question are available in the province where he alleges he was born, first request the registrar of vital statistics in that province to make a search for information as to his age.

(3) If the provincial authority is unable to obtain information as provided in subsections (1) and (2), it may request the Dominion Bureau of Statistics to make a search of the census records for information as to the age of the applicant, subject to the following conditions:

(a) any request for census information as to age shall be made in the form of an application prescribed by the Dominion Statistician which shall bear or be accompanied by the signed consent

of the person concerning whom the information is sought, and shall provide such specific information as may be required for the purpose of making a search in the census records; and

(b) any information supplied by the Dominion Bureau of Statistics shall be confidential and shall not be used for any other purpose than that of establishing the age of the applicant as required under the Act, The Old Age Assistance Act, or The Old Age Security Act, as the case may be.

(4) (a) If, after thorough search and inquiry, the provincial authority is unable to obtain from the applicant, or elsewhere, satisfactory and sufficient documentary evidence as to his age it may, with the consent of the Director, submit the question of the age of the applicant, together with any documentary or other evidence that it may have obtained relevant thereto, to a tribunal as herein provided, for a decision as to whether or not the applicant has attained the age of twenty-one years.

(b) Such tribunal shall consist of a member to be designated by the provincial authority, a member to be designated by the Director and a third member, who shall be the chairman, to be chosen by such other two members.

(c) The tribunal, in deciding upon whether the applicant has attained the age of twenty-one years, shall be entitled to take into account any facts, circumstances or evidence, documentary or other, including physical characteristics of the applicant, relevant to the determination of the issue.

(d) The decision of the tribunal shall be the decision of the majority thereof and, subject to rebutting evidence being obtained at any time, shall be final and conclusive of whether or not the applicant has attained the age of twenty-one years.

(5) Except as provided in paragraph (d) of subsection (4), the provincial authority shall not be bound to accept any evidence respecting the age of a recipient as final and conclusive and any evidence submitted to or obtained by the provincial authority as proof of age may be rebutted at any time.

12. For the purpose of determining the age of a child of a recipient, regard may be had to the documents or other evidence mentioned or referred to in section 11.

13. For the purpose of determining whether a child of a recipient is prevented from earning a livelihood by reason of physical or mental incapacity, the provincial authority shall be guided by a certificate of a duly qualified medical practitioner.

#### *Marital Status*

14. For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards marital status, the provincial authority may accept a certificate of marriage or, if no such certificate is procurable, such other evidence corroborative of the statement of the applicant or his spouse as it deems satisfactory.

#### *Residence*

15. (1) For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards residence in Canada or in a province, the provincial authority may take into account, together with

any other evidence that it may be able to obtain, a statutory declaration made by any reliable and disinterested person, other than the applicant, covering such facts as to which such person has personal knowledge.

(2) For the purposes of the Act and these Regulations, residence and presence in Newfoundland prior to the date of union of Newfoundland with Canada, shall respectively be deemed to be residence and presence in Canada.

16. (1) Intervals of absence of an applicant from Canada during the ten years immediately preceding the date of the proposed commencement of allowance which are of a temporary nature and which, when totalled and averaged, do not exceed sixty days per year, shall be deemed not to have interrupted the residence in Canada of such applicant during such period and the provisions of this subsection shall not apply in respect of cases coming within the provisions of subsections (2), (3) and (4).

(2) If an applicant, while a resident of Canada, has temporarily absented himself therefrom for the purpose of engaging in

- (a) employment on a ship or on a fishing boat;
- (b) employment on trains running out of Canada operated by any railway company having its head office in Canada;
- (c) season employment, such as lumbering or harvesting, for not more than six months in any one year;
- (d) employment by or as a representative of a Canadian firm or corporation, or while he was himself a member of such a firm or corporation;
- (e) employment by the United Nations or one of its specialized agencies; or
- (f) missionary work with any religious group or organization

and, at the termination of such employment, he returned to Canada, he shall be deemed to have continued to reside in Canada during such absence if, during the period thereof, he had in Canada a permanent place of abode to which, whenever he was absent therefrom, he had the intention of returning, or he maintained in Canada, a self-contained domestic establishment.

(3) If an applicant, while a resident of Canada, has temporarily absented himself therefrom

- (a) while he was employed and paid by the Government of Canada, or by the government of any province; or
- (b) during the first or second world war while he was a member of the forces of any country allied with Canada or was engaged in work in connection with the prosecution of any such war for Canada or its allies; or
- (c) pursuant to and in connection with the requirements of his duties as a member of the armed forces of Canada

and, at the termination of his duties abroad, he returned to Canada, he shall be presumed to have continued to reside in Canada during such absence.

(4) An applicant who is a married woman or a widow and who was absent from Canada with her husband while he was absent from Canada in any of the circumstances provided for by subsection (2) or (3), shall, during the period of such absence with him, be deemed to have continued to reside in Canada during such absence.

## Income

17 (1) For the purpose of the Act and the Regulations, income shall include the net amount or value of all income, gratuities and contributions received, whether in cash or in kind, and without restricting the generality of the foregoing

- (a) any allowance paid under the Act;
  - (b) any assistance paid to a spouse under The Old Age Assistance Act;
  - (c) any pension paid to a spouse under The Old Age Security Act;
  - (d) income from any interest in real or personal property as determined under section 18; and
  - (e) the value of board and lodging, or board or lodging furnished free of charge, or for which a nominal charge is made, as determined under section 19.
- (2) Notwithstanding subsection (1), an agreement with a province under section 3 of the Act may, at the request of such province, provide that all or any of the following, namely:
- (a) mothers' allowances paid pursuant to provincial legislation;
  - (b) family allowances paid pursuant to The Family Allowances Act, 1944;
  - (c) cost of living allowances or supplemental allowances paid by any province to any person in receipt of an allowance under the Act or assistance under The Old Age Assistance Act or a pension under The Old Age Security Act;
  - (d) pay allotted or assigned by a member of the naval, military or air forces in Canada, serving on active service, where no dependents' allowance has been awarded in respect of the recipient or the spouse of such recipient;
  - (e) direct relief in an amount considered reasonable by the provincial authority if paid out of moneys provided only by the municipality or the province in which the recipient resides, or by both, or by a charitable organization incorporated or registered under a law of a province or of the Parliament of Canada;
  - (f) casual gifts of small value;
  - (g) contributions other than for ordinary maintenance to recipients or to the spouses of recipients who require special care; and
  - (h) any amount considered reasonable by the provincial authority received by a recipient or by the spouse of a recipient who is blind within the meaning of the Act for the purpose of obtaining the services of a guide

shall not be included in the calculation of income under subsection (1), and income in such province shall be calculated accordingly.

18. For the purpose of determining the amount that shall be deemed income from any interest in real or personal property of a recipient, or, in the case of a married recipient living with his spouse, of the recipient and his spouse, whether owned or deemed to be owned by the recipient or his spouse at the date of making application, or acquired subsequent thereto, the provincial authority shall

(a) as regards real property—

- (i) that is used as a residence by the recipient and from which no revenue is derived, consider as income an amount equal to five per cent of the market value of such property after deducting therefrom the amount of any encumbrances thereon, or five per cent of the assessed value, or an amount that in the

opinion of the provincial authority is reasonably equivalent to the rental value thereof; and in determining such rental value the provincial authority may in its discretion deduct the cost of the maintenance of such property which shall not include the cost of heating, lighting, communications, structural alterations other than those attributable to wear and tear, or any payment of principal on a mortgage or agreement for sale thereon;

(ii) that is used as a residence by the recipient and from which the recipient derives a revenue from any use or occupation thereof, consider as income the net revenue so derived (provided that where such revenue is derived from the rental of rooms, not less than fifty per cent thereof shall be deemed to be net revenue) together with an amount equal to five per cent of the market value of such property after deducting therefrom the amount of any encumbrances thereon, or five per cent of the assessed value, or an amount that in the opinion of the provincial authority is reasonably equivalent to the rental value of the portion thereof occupied by the recipient; and in determining such rental value the provincial authority may in its discretion deduct the cost of the maintenance of such property which shall not include the cost of heating, lighting, communications, structural alterations other than those attributable to wear and tear, or any payment of principal on a mortgage or agreement for sale thereon;

(iii) that is revenue bearing and is not used as a residence by the recipient, consider as income the net revenue therefrom after deducting reasonable and necessary expenses of maintenance other than any payment of principal on any mortgage or agreement for sale thereon;

(iv) that is not revenue bearing or from which a nominal revenue is derived and is not used as a residence by the recipient, consider as income the net revenue that, in the opinion of the provincial authority, such property should or might reasonably be expected to yield;

(b) as regards the personal property—

(i) of an unmarried recipient or a married recipient not living with his spouse, consider as annual income during the lifetime of the recipient the amount of an Immediate Canadian Government Annuity, Ordinary Life Plan, payable monthly, purchasable with the proceeds of the personal property owned by such recipient and calculated as of the actual age of such recipient;

(ii) of a married recipient living with his spouse, subject to subparagraph (iii) of this paragraph, consider as annual income during the lifetime of and in respect of each spouse the amount of annuity purchasable with one-half the proceeds of the personal property jointly and severally owned by the recipient and his spouse and calculated as of the actual age of each;

(iii) of a married recipient living with his spouse who is or becomes a recipient of assistance under The Old Age Assistance Act, consider as income during the period that the spouse is in receipt of assistance thereunder an amount calculated as provided in paragraph (b) of section 11 of



the Regulations under that Act and thereafter an amount calculated as provided in sub-paragraphs (i) or (ii) of this paragraph as the case may be on the value of the personal property owned at such time.

19. Where board and lodging or board or lodging is provided free to a recipient or for a nominal amount, the provincial authority shall consider as income of the recipient, and in the case of a recipient who is married and living with his spouse, of the recipient and his spouse, an amount that, in its opinion, is a fair and reasonable charge therefor, but which shall, in no case, be less than the amounts respectively hereinafter set forth—

	<i>Unmarried recipient</i>	<i>Married recipient</i>
Lodging .....	\$10.00 monthly	\$15.00 monthly
Board .....	20.00 monthly	30.00 monthly
Board and Lodging .....	30.00 monthly	45.00 monthly

#### *Transfer of Property*

20. (1) Where a recipient or his spouse has, within the five years preceding the date of application or subsequent to such date, made an assignment or transfer of real or personal property, such recipient shall furnish to the provincial authority full particulars concerning such assignment or transfer.

(2) The provincial authority, from the particulars so furnished, shall determine whether or not the consideration for such assignment or transfer was inadequate or whether such assignment or transfer was made by such recipient or his spouse for the purpose of qualifying the recipient for an allowance or for a larger amount of allowance than he otherwise would be entitled to receive or to prevent recovery of any claim under provincial law.

(3) Where, from the particulars so furnished or in the absence of satisfactory particulars being furnished, the provincial authority is of the opinion that the consideration for an assignment or transfer of property was inadequate or that such assignment or transfer was made by a recipient or his spouse for the purpose of qualifying the recipient for an allowance or for a larger amount of allowance than he otherwise would be entitled to receive or to prevent recovery of any claim under provincial law, the provincial authority shall consider as income from such property an amount calculated as provided in section 18 in the case of property owned by a recipient or his spouse at the date of making application.

21. Where the recipient or his spouse re-converts into real property, personal property derived from the sale of real property held at the time an allowance was granted, the provincial authority may, in lieu of calculating as income of such recipient the value of the personal property so re-converted as provided in paragraph (b) of section 18, consider as income an amount respecting the newly acquired real property calculated as provided in paragraph (a) thereof.

*When Allowance Shall Commence*

22. (1) An allowance shall be payable in arrears from the first day of the month following the month in which the recipient attains the age of twenty-one years or from the first day of the month following the month in which his application is approved, whichever is the later.

(2) Where an application is approved after the last day of the month in which it was received by the provincial authority, and delay in such approval resulted from circumstances wholly beyond the control of the recipient, the provincial authority may, in its discretion, declare that such approval shall be effective as of an earlier date which shall be a date after the recipient attains the age of twenty-one years and which shall in no case be earlier than the date of the receipt of the application by the provincial authority or a date not more than three months prior to that on which approval is given, whichever is the later; provided, however, that in any case where delay in such approval is attributable to the fact that the recipient is resident in a part of Canada that is accessible only at a certain time or times of the year or to delay in the receipt by the provincial authority of the certificate required by subsection (3) of section 6 and section 7, the period of three months herein mentioned may be extended to not more than six months;

(3) Where an allowance is suspended at the request of a recipient the same shall not be reinstated prior to the date on which the provincial authority is requested in writing by such recipient to do so.

(4) Except in the case of the Northwest Territories, no recipient shall be paid an allowance for any period exceeding one month during which such recipient receives direct relief out of moneys paid in whole or in part by the Government of Canada.

*Manner Payable*

23. An allowance shall be paid by cheque or other instrument in a form approved by the province.

*Incapacity of Recipient*

24. (1) Where a recipient is incapacitated through infirmity, illness or any other cause, and is unable to look after his own affairs or, if the provincial authority considers that the recipient is using or is likely to use his allowance otherwise than for his own benefit, the provincial authority may pay the allowance to a trustee appointed by such provincial authority to be expended for the benefit of the recipient.

(2) Any such trustee may be removed by the provincial authority or may resign and the provincial authority may appoint another trustee in his place.

(3) Any trustee so appointed shall, when required by the provincial authority, make returns showing the amount of the allowance received, the amount that has been expended for the benefit of the recipient and the balance remaining in the hands of the trustee.

(4) Subject to subsection (1), where the trustee so appointed is an officer or employee of an institution in which a recipient is being maintained, the provincial authority may authorize the trustee to pay to such institution such proportion of the allowance as is considered by the provincial authority to be a reasonable sum for the maintenance of the recipient, but shall require the trustee to make available to the recipient an amount which it considers reasonable for his personal use.

*Suspension of Allowance*

25. (1) The payment of an allowance shall be suspended
- (a) during the absence of a recipient from Canada, but the provincial authority may, if satisfied that the circumstances so justify, pay the allowance for any period of absence not exceeding a total of ninety-two days in the twelve-month period preceding the return of the recipient to Canada;
  - (b) while serving any sentence to imprisonment that exceeds thirty days;
  - (c) during the period that a recipient neglects or refuses to comply with the provisions of the Act and these Regulations or to furnish any information that he is required to furnish pursuant thereto.

(2) No allowance which has been suspended for a period in excess of six months shall be reinstated without first obtaining a certificate under section 6 or 7.

(3) A provincial authority shall recover from a recipient any sum improperly paid by way of allowance whether such sum was paid as the result of non-disclosure of facts, misrepresentations or any other cause, and, if the provincial authority is unable to recover the whole of such sum, the provincial authority shall suspend the payment of the allowance of such recipient until the aggregate amount of the suspended payments equals the sum improperly paid less any amount that has been recovered prior to such suspension; provided that where the recipient has not been guilty of fraud or misrepresentation the provincial authority, in its discretion, may reduce the allowance by an amount of not less than five dollars each month, so that recovery of such overpayment will be made in full within a period of not more than five years or prior to the recipient reaching the age of seventy years, whichever is the sooner.

*Increase or Reduction of Allowance*

26. The provincial authority shall require a recipient to report forthwith any increase or reduction in his income or real property or the income or real property of his spouse and to furnish particulars of any personal property acquired by him or his spouse after the date of his application.

27. Any recipient who desires to apply for an increase in the amount of the allowance to which he may be entitled under the Act, shall notify the provincial authority and shall furnish all necessary information.

*Accounting*

28. Any sums due by Canada to a province in settlement of Canada's share of the net amount expended by the province in payment of allowances shall be ascertained as of the last day of each month, shall be audited by the provincial auditor and shall be paid on the certificate of the provincial auditor as soon thereafter as possible, subject to final audit by officials of the Government of Canada. The accounts submitted by the provincial authority for the purpose of reimbursement shall contain such information as the Minister shall require.

29. In calculating the amount due by Canada to a province no account shall be taken of any sums that, under the provisions of the Act, such province is liable to reimburse another province or to be reimbursed by another province in respect of allowances granted therein or in such other province, nor shall any account be taken of the cost of administering or paying allowances.

30. In calculating the amount in respect of which any province is entitled to be reimbursed by another province under the provisions of the Act, regard shall be had only to the net amount of allowances paid by the province to be reimbursed after deducting therefrom the amount payable by Canada on account of such allowances.

31. Balances due by one province to another province under the provisions of the Act shall be settled monthly as of the same date as the sums due by Canada are payable.

32. The amount recovered by a provincial authority from a recipient or from the estate of a deceased recipient in respect of any allowance shall be distributed between the province responsible for payment of the provincial share of the allowance, and Canada in accordance with the amount of any such allowance respectively paid by each.