

Summary

OFFICE CONSOLIDATION, 1952

Not to be regarded as an official compilation of the law



CHAP. 55.

THE OLD AGE ASSISTANCE ACT

An Act to provide for Old Age Assistance.

[Assented to 30th June, 1951.]

HIS Majesty, by and with the advice and consent of the Senate follows:
Chapter 55, Statutes of Canada, 1951

- 1. This Act may be cited as The Old Age Assistance Act.
- 2. In this Act
 - (a) "agreement" means (First Session) under section three.
 - (b) "application" means an application for old age assistance;
 - (c) "assistance" means old age assistance provided under provincial law to the persons and under the conditions specified in this Act.

THE OLD AGE ASSISTANCE REGULATIONS APPROVED

BY ORDER IN COUNCIL P.C. 6596

DATED DECEMBER 6, 1951



- (d) "provincial law" means a law of a province that provides for the payment of old age assistance 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;
- (e) "province" includes the Northwest Territories and the Yukon Territory;
- (f) "recipient" means a person to whom assistance has been granted, and includes an applicant for assistance; and
- (g) "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

8. (1) The Minister of Finance may, in accordance with this Act and the regulations, enter into an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of

For the purpose of the present work, the following is a list of the names of the persons who have been appointed to the various offices of the diocese since the death of the late Archbishop of Toronto, the late Cardinal John Joseph O'Reilly, on the 15th day of August, 1917.

THE OLD AGE ASSISTANCE ACT

(Chapter 22, Statutes of Canada, 1921)

1921, c. 22

THE OLD AGE ASSISTANCE ACT, AS AMENDED BY THE OLD AGE ASSISTANCE (AMENDMENT) ACT, 1922, AND THE OLD AGE ASSISTANCE (AMENDMENT) ACT, 1923.

AS ENACTED BY PARLIAMENT IN 1921.

1921, c. 22





CHAP. 55.

An Act to provide for Old Age Assistance.

[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 Old Age Assistance Act. Short title.
- 2. In this Act Definitions.
 - (a) "agreement" means an agreement made under section three; "agreement".
 - (b) "application" means an application for old age assistance; "application".
 - (c) "assistance" means old age assistance provided under provincial law to the persons and under the conditions specified in this Act and the regulations; "assistance".
 - (d) "Minister" means the Minister of National Health and Welfare; "Minister".
 - (e) "provincial authority" means the officer or body charged with the administration of the provincial law; "provincial authority".
 - (f) "provincial law" means a law of a province that provides for the payment of old age assistance 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".
 - (g) "province" includes the Northwest Territories and the Yukon Territory; "province".
 - (h) "recipient" means a person to whom assistance has been granted, and includes an applicant for assistance; and "recipient".
 - (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. "unmarried person".
- 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 Agreements with provinces.

amounts in respect of assistance paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, fifty per cent. of forty dollars monthly or of the amount of assistance paid by the province monthly to the recipient, whichever is the lesser.

Qualifications.

(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 assistance payments to him

(i) has attained the age of sixty-five years, and

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

(b) is not in receipt of an allowance under *The Blind Persons Act* or *The War Veterans' Allowance Act, 1946*, or a pension under *The Old Age Security Act*; and

(c) is,

(i) an unmarried person, and his income, inclusive of assistance, is not more than seven hundred and twenty dollars a year, or

(ii) married and living with his spouse and the total income, inclusive of assistance, of the recipient and his spouse is not more than twelve hundred dollars a year, or

(iii) married and living with his spouse who is blind within the meaning of *The Blind Persons Act* and the total income, inclusive of assistance, of the recipient and his spouse is not more than thirteen hundred and twenty 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.

Assistance payable monthly in arrears.

5. (1) The assistance 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 assistance 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.

Census records.

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.

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

- (a) specify the minimum age of a recipient and any other conditions of eligibility set forth in the provincial law;
- (b) specify the maximum assistance to be paid by it to a recipient;
- (c) provide for the reduction of such maximum assistance by the amount of any income received by a recipient in excess of an amount to be specified in such agreement; and
- (d) 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 assistance, under the conditions specified in this Act, the regulations and the agreement, grant assistance 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 sixty-five years, or prior to making application for assistance, 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 assistance to the extent of fifty per cent. of the amount of the assistance;
 - (iii) that the province will, where a recipient who has been granted assistance transfers his residence to such province from another province, pay the assistance;
 - (iv) that where a recipient, to whom the province has granted assistance, transfers his residence to another province with which no agreement is in force, the province will continue to pay the assistance to such recipient;
 - (v) that where a recipient, who has been granted assistance, transfers his residence to some place out of Canada, the province will discontinue payment of the assistance 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 assistance 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 assistance 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 assistance payments, 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 assistance, or for a larger amount of assistance 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 assistance 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 assistance payments made to such recipient bears to the total of such assistance 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 administration of assistance 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.

Regulations.

11. (1) The Governor in Council may make regulations for 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 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;
 - (b) the investigation into applications and into the eligibility of a recipient to receive assistance, the reports to be made and the information to be supplied by or in respect of recipients;
 - (c) the conditions under which information may be obtained from the Dominion Bureau of Statistics as provided in section six;
 - (d) 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;
 - (e) 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;
 - (f) 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;
 - (g) the time at which, after application therefor, the payment of assistance shall commence;
 - (h) the payment of assistance to persons as trustees for the benefit of recipients who are incapacitated through infirmity, illness, or any other cause;
 - (i) the circumstances justifying or requiring the suspension of the payment of assistance and the resumption of payment; and
 - (j) the recovery of the amount of assistance 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 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. Alteration of regulations.

(3) There shall be an Advisory Board consisting of two 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. Advisory Board.

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. Report.

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

13. This Act shall come into force on the first day of January, 1952.

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

(11) Determining the amount paid for the purpose 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;

(10) the time at which an application for the payment of assistance shall commence; and

(9) the definition of income for the purpose 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 shall be deemed to be received, whether they live together or separate and apart;

(8) 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;

(7) the conditions under which information may be obtained from the Dominion Bureau of Statistics as provided in section six;

(6) the investigation into applications and into the eligibility of a recipient to receive assistance, the reports to be made and the information to be supplied by or in respect of such investigation;

(5) the information and evidence to be submitted in connection with an application and the manner and form of making an application.

Payments out of C.R.F.

Declaration of assistance

Alterations to regulations

Advisory Board

Committee of experts

Report

Amendments

Coming into force

THE OLD AGE ASSISTANCE REGULATIONS

Regulations made and established by Order in Council P.C. 6596 dated December 6, 1951, under the authority of The Old Age Assistance Act, Chapter 55, Statutes of Canada, 1951.

(First Session).

Short Title

1. These Regulations may be cited as The Old Age Assistance Regulations.

Interpretation

2. In these Regulations,

- (a) "Act" means The Old Age Assistance Act;
- (b) "Director" means the Director of Old Age Assistance 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.

Provision 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 assistance may be made by any person who alleges that he has attained the age of sixty-four years and eight months; provided that during the first twelve months that an agreement under section 3 of the Act is in force in a province, application may be made by any person who alleges that he has attained the age of sixty-four years and six months.

(2) Application shall be deemed to have been made only when an application form completed by an applicant (or, where the provincial authority is satisfied that the applicant is unable to complete the application form on account of physical infirmity or mental illness or for any other valid reason, an application form completed by some responsible person on behalf of the 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 twenty years preceding the date of application;
- (c) the sex and particulars of the marital status of the applicant including, 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) 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;
- (f) 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.

Investigation of Claims

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 and such other matters as may be necessary to determine the eligibility of the applicant for assistance and, if the applicant is so eligible, the provincial authority shall determine the rate of assistance payable and shall thereupon approve the application accordingly.

(2) The investigation required by subsection (1) shall be made not sooner than four months before the date of the proposed commencement of assistance; provided that during the first twelve months that an agreement under section 3 of the Act is in force in a province, the said period of four months may be extended to six months where in the opinion of the provincial authority thereof it is necessary to do so.

(3) Where an application has been so approved and assistance 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 assistance and the amount thereof.

(4) Before altering the rate of assistance being paid to a recipient or before suspending assistance or reinstating assistance 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.

(5) 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.

(6) 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.

(7) 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 assistance.

Age

6. (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 Blind Persons 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 sixty-five 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 sixty-five 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 sixty-five 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.

Marital Status

7. 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

8. (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.

9. (1) Intervals of absence of an applicant from Canada during the twenty years immediately preceding the date of the proposed commencement of assistance 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) seasonal 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

10. (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 assistance paid under the Act;
- (b) any allowance paid to a spouse under The Blind Persons 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 11; 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 12.

(2) Notwithstanding sub-section (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 assistance under the Act or an allowance under The Blind Persons 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 of Canada, serving on active service, where no dependent's 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 spouse who is blind within the meaning of The Blind Persons 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.

11. 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 personal property, deduct from the amount or value thereof owned at the date of application the sum of one thousand dollars in the case of an unmarried recipient and the sum of two thousand dollars in the case of a married recipient living with his spouse (or such amount less than one thousand dollars or two thousand dollars, respectively, as may be provided by a province in its agreement under section 3 of the Act) and consider as income during the period that the recipient is or may be entitled to receive assistance an amount calculated as follows:

- (i) in the case of an unmarried recipient, divide the remaining balance on a monthly basis over the period between the date of the proposed commencement of assistance and the date on which the recipient attains the age of seventy years;
- (ii) in the case of a married recipient living with his spouse, divide the remaining balance on a monthly basis over the period between the proposed commencement of assistance and the date on which the younger of the two spouses attains the age of seventy years, or over a period of sixty months, whichever is the lesser period;
- (iii) where additional personal property is acquired after the date of application, there shall be deemed to be additional income therefrom from the date of such acquisition an amount to be arrived at by dividing the value thereof on a monthly basis over the period between the date of acquisition and, in the case of an unmarried recipient, the date on which he attains the age of seventy years, and in the case of a married recipient living with his spouse, the date on which the younger of the two spouses attains the age of seventy years, or over a period of sixty months, whichever is the lesser period;
- (iv) in the case of a married recipient living with his spouse where his spouse is or becomes a recipient at any time before he ceases to be eligible for assistance as provided in paragraph (b) of subsection (2) of section 3 of the Act, income determined under the foregoing subparagraphs shall not be redetermined by reason only of such ineligibility, but where his spouse becomes a recipient after he has so ceased to be eligible, income under this subsection shall be redetermined as provided in the foregoing subparagraphs.

12. 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

13. (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 assistance or for a larger amount of assistance 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 assistance or for a larger amount of assistance 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 11 in the case of property owned by a recipient or his spouse at the date of making application.

14. Where the recipient or his spouse re-converts into real property, personal property derived from the sale of real property held at the time assistance 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 11, consider as income an amount respecting the newly acquired real property calculated as provided in paragraph (a) thereof.

When Assistance Shall Commence

15 (1) Assistance shall be payable in arrears from the first day of the month following the month in which the recipient attains the age of sixty-five 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 sixty-five 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,

(a) 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, the period of three months herein mentioned may be extended to not more than six months;

(b) that during the first twelve months that an agreement under section 3 of the Act is in force with a province, where, in the opinion of the provincial authority thereof, it is necessary to do so, the said period of three months may be extended to not more than six months insofar as such province is concerned.

(3) Where assistance 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 assistance 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

16. Assistance shall be paid by cheque or other instrument in a form approved by the province.

Incapacity of Recipient

17. (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 assistance otherwise than for his own benefit, the provincial authority may pay the assistance 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 assistance 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 sub-section (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 assistance 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 Assistance

18. (1) The payment of assistance 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 assistance 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) A provincial authority shall recover from a recipient any sum improperly paid by way of assistance 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 assistance 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 assistance by an amount of not less than five dollars each month, so that recovery of such overpayment will be made in full prior to the date on which the recipient attains the age of seventy years.

Increase or Reduction of Assistance

19. 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.

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

Accounting

21. 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 assistance 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.

22. 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 assistance granted therein or in such other province, nor shall any account be taken of the cost of administering or paying assistance.

23. 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 the assistance paid by the province to be reimbursed after deducting therefrom the amount payable by Canada on account of such assistance.

24. 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.

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