

1970

# c 237 Law Enforcement Compensation Act

Ontario

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## CHAPTER 237

## The Law Enforcement Compensation Act

**1.** In this Act,

- (a) "Board" means the Law Enforcement Compensation Board;
- (b) "dependant", in respect of a deceased victim, means such of the relatives of the victim as were wholly or partially dependent upon his income at the time of his death and includes a child of the victim born after his death;
- (c) "injury" means actual bodily harm and includes mental or nervous shock, and "injured" has a corresponding meaning;
- (d) "peace officer" means a peace officer as defined in the *Criminal Code* (Canada);
- (e) "relative", in respect of a victim or offender, means his or her spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half-brother, half-sister or spouse's parent;
- (f) "victim" means a person injured or killed in the circumstances set out in subsection 1 of section 3. 1967, c. 45, s. 1; 1968-69, c. 59, s. 1.

Interpre-  
tation1953-54,  
c. 51 (Can.)

**2.**—(1) The Law Enforcement Compensation Board is continued and shall be composed of not fewer than three and not more than five members who shall be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman.

Law En-  
forcement  
Compensa-  
tion Board  
continued

(2) Such officers and employees of the Board as are considered necessary shall be appointed under *The Public Service Act*.

Officers and  
employees  
R.S.O. 1970,  
c. 386

(3) Two members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.

Quorum

(4) The Board is a corporation to which *The Corporations Act* does not apply. 1967, c. 45, s. 2, *amended*.

Board a  
corporation  
R.S.O. 1970,  
c. 89

**3.**—(1) Where any person is injured or killed by any act or omission of any other person occurring in or resulting directly from,

Injuries  
compensable

R.S.O. 1970,  
c. 202

- (a) the commission of an offence against any statute of Canada or Ontario, not including an offence involving the use or operation of a motor vehicle as defined in *The Highway Traffic Act* but including assault by means of such motor vehicle;
- (b) lawfully arresting or attempting to arrest an offender or suspected offender, or assisting a peace officer therein;
- (c) preventing or attempting to prevent the commission of a crime or suspected crime, or assisting a peace officer therein,

the Board may, on application therefor and after a hearing, make an order in its discretion exercised in accordance with this Act for the payment of compensation and the decision of the Board is final and conclusive for all purposes. 1968-69, c. 59, s. 2.

Persons  
compensable

(2) An application may be made by and compensation may be paid to,

- (a) the victim;
- (b) a person who is responsible for the maintenance of the victim and who suffers pecuniary loss or expenses as a result of the injury;
- (c) where the death of the victim has resulted, the victim's dependants or any of them. 1967, c. 45, s. 3 (2).

Compensation

4.—(1) Compensation may be awarded by the Board for,

- (a) expenses actually and reasonably incurred as a result of the victim's injury or death;
- (b) pecuniary loss to the victim as a result of total or partial incapacity for work;
- (c) pecuniary loss to dependants as a result of the victim's death;
- (d) pain and suffering;
- (e) other pecuniary loss resulting from the victim's injury and any expense that, in the opinion of the Board, it is reasonable to incur.

Exception  
for relatives  
of offender

(2) Clause *d* of subsection 1 does not apply in respect of compensation awarded to a relative of the offender or a member of the offender's household. 1967, c. 45, s. 4.

Considerations  
of  
Board

5. In determining whether to make an order for compensation and the amount thereof, the Board may have regard to all such circumstances as it considers relevant, including any behaviour of the victim that directly or indirectly contributed to his injury or death. 1967, c. 45, s. 5.

**6.** An application for compensation shall be made within one year after the date of the death or injury but the Board may, in its discretion, extend the time for such further period as it considers just. 1967, c. 45, s. 6.

Limitation period for application

**7.—(1)** An order for compensation may be made whether or not any person is prosecuted for or convicted of the offence giving rise to the injury or death but the Board may, of its own motion or upon the application of the Minister of Justice and Attorney General, adjourn its proceedings pending the outcome of a prosecution or intended prosecution.

Compensation not dependent on a conviction

(2) An order for compensation does not affect the right of any person to recover from any other person by civil proceedings lawful damages in respect of the injury or death, but, where the Board has granted an order, the Board is subrogated to all the rights of the person in whose favour the order is granted in respect of the injury or death to the extent of the amount awarded in the order.

Board subrogated

(3) Any money recovered by the Board under subsection 2 shall be paid into the Consolidated Revenue Fund. 1967, c. 45, s. 7.

Disposition of money recovered

**8.** Where the applicant for compensation is a victim, he shall submit to such medical or physical examination as the Board may require. 1967, c. 45, s. 8.

Medical examination

**9.—(1)** The Board may order compensation to be paid in a lump sum or in periodic payments as the Board thinks fit.

Form of compensation

(2) Compensation ordered to be paid shall be paid out of the moneys appropriated therefor by the Legislature. 1967, c. 45, s. 9.

Payment of compensation

**10.—(1)** The amount ordered by the Board to be paid in respect of any one occurrence shall not exceed,

Maximum payments

(a) in the case of lump sum payments, a total of \$10,000; or

(b) in the case of periodic payments, a total of \$500 per month.

(2) Where the total amounts of the claims as allowed by the Board in respect of any one occurrence exceed the amount prescribed by subsection 1, the amount prescribed shall be distributed *pro rata* in proportion to the amounts of the claims. 1967, c. 45, s. 10.

*Pro rata* distribution

(3) Subsections 1 and 2 do not apply where the victim's injury was incurred while assisting a peace officer. 1968-69, c. 59, s. 3.

Application of subss. 1 and 2

**11.—(1)** Where an application is made to the Board, the Board shall fix a time and place for the hearing of the application and shall cause notice thereof to be given to the applicant, the

Procedures on application

offender where possible and to any other person appearing to the Board to have an interest in the application.

Public  
hearings

(2) Every hearing of the Board shall be held in public.

Power to  
take sworn  
evidence  
and  
summon  
witnesses

(3) For the purposes of a hearing under this Act, the Board,

(a) may administer oaths to witnesses and require them to give evidence under oath; and

(b) may require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*, which the court may issue on praecipe, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

Right to  
counsel

(4) Any person appearing at a hearing of the Board is entitled to be represented by counsel.

Reasons

(5) The Board shall give written reasons for its decisions. 1967, c. 45, s. 11.

Publication  
of evidence

**12.**—(1) The Board may make an order prohibiting the publication of any report or account of the whole or any part of the evidence at a hearing where the Board considers it necessary, but in making an order under this subsection the Board shall have regard to the desirability of permitting the public to be informed of the principles and nature of each case.

Offence

(2) Any person who publishes a report or account of any evidence at a hearing contrary to an order of the Board under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(3) Where a corporation is convicted of an offence under subsection 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. 1967, c. 45, s. 12.

Variation  
of orders

**13.** The Board may, at any time, of its own motion or on the application of the offender or any person in whose favour an order is made, review the order and revoke, confirm or vary the order as the Board considers just in the circumstances. 1967, c. 45, s. 13.

Regulations

**14.** The Lieutenant Governor in Council may make regulations,

(a) prescribing rules of procedure in respect of applications to the Board and proceedings of the Board;

- (b) requiring the payment of fees in respect of any matter in the jurisdiction of the Board, including witness fees, and prescribing the amounts thereof;
- (c) prescribing forms for the purposes of this Act and providing for their use;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1967, c. 45, s. 14.

**15.** This Act applies in respect of claims for compensation arising from an injury or death occurring after this Act comes into force. 1967, c. 45, s. 15. Application  
of Act

**16.** The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature. 1967, c. 45, s. 16. Moneys

