

1960

## c 107 Disabled Persons' Allowances Act

Ontario

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## CHAPTER 107

**The Disabled Persons' Allowances Act****1. In this Act,**Interpre-  
tation

- (a) "allowance" means a disabled person's allowance provided under this Act and the regulations to the persons and under the conditions specified in any agreement made under section 13;
- (b) "Director" means the Director of the Welfare Allowances Branch of the Department of Public Welfare;
- (c) "investigator" means an investigator within the meaning of *The Old Age Assistance Act*;
- (d) "local authority" means a local authority within the meaning of *The Old Age Assistance Act*;
- (e) "Minister" means the Minister of Public Welfare;
- (f) "recipient" means a person to whom an allowance is granted, and includes an applicant for an allowance;
- (g) "regulations" means the regulations made under this Act;
- (h) "unmarried person" includes a widow, a widower, a divorced person, and a married person who, in the opinion of the Director, is living separate and apart from his spouse, 1955, c. 17, s. 1; 1957, c. 28, s. 1; 1958, c. 24, s. 1.

R.S.O. 1960,  
c. 267**2. It is the duty of the Director,**Duties of  
director

- (a) to receive applications for allowances; and
- (b) to determine the eligibility of each applicant for an allowance, and, where the applicant is eligible, to determine the amount thereof and direct payment accordingly. 1955, c. 17, s. 3.

**3. Where the Director is absent or there is a vacancy in the office, his powers and duties shall be exercised and performed by such civil servant as the Minister designates. 1955, c. 17, s. 4.**

Acting  
Director

When  
allowance  
payable

**4.** An allowance is payable monthly in arrears. 1955, c. 17, s. 5.

Allowances  
exempt from  
taxation

**5.—(1)** An allowance is exempt from provincial and municipal taxes.

Allowances  
not assign-  
able

**(2)** An allowance is not subject to alienation or transfer by the recipient.

Allowances  
not subject  
to seizure

**(3)** An allowance is not subject to attachment or seizure in satisfaction of any claim against the recipient. 1955, c. 17, s. 6.

Voting  
rights

**6.** The receipt of an allowance does not by itself constitute a disqualification of the recipient from voting at any provincial or municipal election. 1955, c. 17, s. 7.

When  
allowance  
may be paid  
to trustee

**7.** In the case of a recipient who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit or is incapable of handling his affairs, the Director may direct that the allowance be paid to a trustee for the benefit of the recipient. 1955, c. 17, s. 8.

Refusal of  
Canada to  
contribute

**8.** Where an allowance has been paid and the Government of Canada,

(a) refuses to pay any amount in respect thereof; or

(b) rules that overpayments have been made to the recipient,

the Lieutenant Governor in Council may direct that all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. 1955, c. 17, s. 9.

When  
payment of  
allowances  
to cease  
1953-54,  
c. 55 (Can.)

**9.** If for any reason the Government of Canada ceases to make the contributions provided for under the *Disabled Persons Act* (Canada) or fails to carry out any agreement referred to in section 13, all allowances under this Act thereafter cease and no further payments of allowances shall be made. 1955, c. 17, s. 10.

Funds for  
purposes  
of Act

**10.** Allowances and the expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. 1955, c. 17, s. 11.

**11.** The Lieutenant Governor in Council may make regu-<sup>Regulations</sup>lations,

- (a) governing the manner of making application for an allowance;
- (b) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before an allowance is paid;
- (c) prescribing the manner in which allowances are to be paid;
- (d) providing for the suspension and cancellation of allowances;
- (e) providing for the whole or part of the cost of providing medical and dental services to recipients or any class or group thereof;
- (f) prescribing the powers and duties of investigators and local authorities;
- (g) providing for the making of investigations respecting persons to whom allowances may be paid or by whom or on whose behalf application has been made for an allowance or who are in receipt of an allowance;
- (h) establishing an advisory board of one or more persons to assist the Director;
- (i) prescribing forms and providing for their use;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1955, c. 17, s. 12.

**12.—**(1) No person shall knowingly obtain or receive an <sup>Prohibition</sup>allowance that he is not entitled to obtain or receive under this Act and the regulations.

(2) No person shall knowingly aid or abet another person <sup>Idem</sup>to obtain or receive an allowance that such other person is not entitled to obtain or receive under this Act and the regulations.

Offence

(3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than three months, or to both. 1955, c. 17, s. 13.

Agreements  
with Canada  
authorized1953-54,  
c. 55 (Can.)

**13.**—(1) The Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada to provide for payment by Canada to Ontario in accordance with the *Disabled Persons Act* (Canada) and the regulations made under it of any portion of the amounts of allowances paid by Ontario under this Act and the regulations.

Payment  
authorized

(2) Allowances may be paid in accordance with any agreement made under subsection 1. 1957, c. 28, s. 3

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