

1950

# c 258 Old Age Pensions Act

Ontario

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CHAPTER 258

The Old Age Pensions Act

1. In this Act,

Interpre-  
tation.

- (a) "Commission" means The Old Age Pensions Commission appointed under this Act;
- (b) "investigator" means any person designated as such under the regulations;
- (c) "local authority" means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint;
- (d) "local board" means local board provided for in the regulations;
- (e) "Minister" means Minister of Public Welfare;
- (f) "pension" means a pension payable as an old age pension or a blind pension under the *Old Age Pensions Act* (Canada) or any other Act of the Parliament of Canada and "pensioner" has a corresponding meaning; R.S.C., 1927, c. 156.
- (g) "regulations" means regulations made under this Act. 1948, c. 64, s. 1; 1949, c. 95, s. 10 (1).

2.—(1) The Minister with the approval of the Lieutenant-Governor in Council may enter into an agreement with the Minister of National Health and Welfare with the approval of the Governor-General in Council as to a general scheme of old age pensions or blind pensions, or both, in Ontario pursuant to any Act of the Parliament of Canada and for the payment by Canada to Ontario quarterly of an amount equal to one-half or more of the net sum paid out during the preceding quarter by Ontario for old age pensions or blind pensions, or both, pursuant to this Act. Agreement with Dominion Government authorized.

(2) No change shall be made in any scheme for old age pensions or blind pensions that has been approved by the Governor-General in Council, by regulations or otherwise, except with the approval of the Governor-General in Council. Change in scheme. 1948, c. 64, s. 2.

Old Age  
Pensions  
Commission.

**3.**—(1) The Lieutenant-Governor in Council may appoint one, two or three persons as a commission to be known as The Old Age Pensions Commission.

Chairman.

(2) Where the Commission consists of more than one person, the Lieutenant-Governor in Council may designate one of them as chairman.

Quorum.

(3) Where the Commission consists of three persons, a majority shall be a quorum. 1948, c. 64, s. 3.

Duties of  
Commis-  
sion.

**4.** It shall be the duty of the Commission,

(a) to receive applications for pensions; and

(b) to determine the eligibility of each applicant for a pension and where the applicant is eligible, to determine the amount thereof and direct payment accordingly. 1948, c. 64, s. 4.

Decisions  
final.

**5.** Subject to the right of the Commission to rescind or amend any determination or direction made by it, every determination and direction of the Commission shall be final and shall not be subject to review by any court of law or otherwise. 1948, c. 64, s. 5.

Pension not  
liable to  
taxation,  
attachments,  
etc.

**6.** Every pension shall be exempt from provincial and municipal taxes and shall not be subject to garnishment or attachment or seizure or any legal process and shall be unassignable. 1948, c. 64, s. 6.

When pen-  
sion to be  
paid to  
trustee.

**7.** In the case of any pensioner,

(a) who, in the opinion of the Commission, is using or likely to use his pension otherwise than for his own benefit or is incapacitated or incapable of managing his affairs;

(b) for whom a committee or trustee has been appointed; or

(c) who consents to the payment of the pension to a person who is undertaking or liable for his maintenance and care,

the Commission may direct that the pension shall be paid to a trustee or other person to be expended for the benefit of the pensioner. 1948, c. 64, s. 7.

Pensioners  
not dis-  
qualified  
from voting.

**8.** The receipt of a pension shall not by itself disqualify any person from voting at any provincial or municipal election. 1948, c. 64, s. 8.

**9.** Where a pension has been paid and upon audit by officials of the Government of Canada, the Government of Canada refuses to pay any amount in respect thereof, 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. 1948, c. 64, s. 9.

Refusal by Dominion Government to make payments.

**10.** Where a pension has been paid and officials of the Government of Canada, upon an audit, rule that overpayments have been made to the pensioner, the Lieutenant-Governor in Council may direct that the amount of such overpayments shall be deemed to be expenses incurred in the administration of this Act. 1948, c. 64, s. 10.

Over-payments.

**11.** If under the authority of the Parliament of Canada, or for any other reason whatsoever, the Government of Canada ceases to make the contributions provided for under the *Old Age Pensions Act* (Canada), or any other Act of the Parliament of Canada pursuant to which pensions are paid under this Act, or fails to carry out the agreement entered into under the authority of this Act, the right to the granting or continuance of any pension under this Act shall thereupon cease and determine and no further payment of pensions shall be made under this Act. 1948, c. 64, s. 11.

Right to pension to cease on Dominion's failure to contribute. R.S.C. 1927, c. 156.

**12.—(1)** The Commission shall be entitled to recover out of the estate of any deceased pensioner, as a debt due by the pensioner to the Commission, the sum of the pension payments made to such pensioner from time to time.

Recovery of pension payments out of deceased pensioner's estate.

(2) No claim shall be made by the Commission for the recovery of such debt directly or indirectly out of any part of the pensioner's estate that passes by will or on any intestacy to any other pensioner or to any person who has, since the grant of such pension or for the last three years during which such pension was paid, regularly contributed to the support of the pensioner by the payment of money or otherwise to the extent which, having regard to the means of the person so having contributed, is considered to be reasonable. 1948, c. 64, s. 12.

Right not to extend to property passing to another pensioner or to person maintaining.

**13.—(1)** Notice (Form 1) of the granting of a pension to any person may be registered in the proper registry or land titles office, and shall set out,

Registration of notice.

- (a) the name and residence of the person to whom a pension has been granted;
- (b) the date when the pension was granted;

- Rev. Stat.,  
c. 197.
- (c) a description of the land owned by a pensioner or in which he has any interest, sufficient for the purpose of registration, and, where the land is registered under *The Land Titles Act*, a reference to the number of the parcel of the land and to the register in which such land is registered in the land titles office. 1948, c. 64, s. 13 (1).
- Notice.
- (2) The notice shall be in duplicate, signed by a member of the Commission, and sealed with the seal of the Commission approved by the Minister for use by the Commission. 1950, c. 79, s. 13 (2).
- Charge  
against  
lands.
- (3) Upon registration the notice shall operate as a charge against the lands described therein in an amount equal to the amount of pension paid to the pensioner as of the date of the discharge of the notice or the date of the death of the pensioner, whichever is the earlier.
- Registration  
fee.
- (4) The fee for registration of the notice shall be 75 cents.
- Discharge  
of notice,
- (5) A notice registered under the provisions of this section may be discharged by a certificate (Form 2) signed by any member of the Commission, accompanied by an affidavit of execution.
- fee.
- (6) The fee for registration of a discharge shall be 50 cents. 1948, c. 64, s. 13 (3-6).
- Regulations.
- 14.** The Lieutenant-Governor in Council may make regulations,
- (a) governing the manner of making application for a pension;
  - (b) providing for the suspension and cancellation of pensions;
  - (c) providing for a cost-of-living or other bonus to pensioners or any class or group thereof;
  - (d) providing for the whole or part of the cost of providing medical and dental services to pensioners or any class or group thereof;
  - (e) providing for the designation of persons as investigators and prescribing their powers and duties;
  - (f) prescribing the powers and duties of local authorities;
  - (g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;

- (h) providing for the appointment of local boards and prescribing their powers and duties;
- (i) providing for the furnishing of notices and information by local authorities to the Commission and by the Commission to local authorities;
- (j) providing for the making of investigations respecting persons to whom pensions may be paid or who are in receipt of pensions or by whom or on whose behalf application has been made for a pension;
- (k) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of a pension;
- (l) fixing the intervals at which and the manner in which pensions shall be paid;
- (m) prescribing forms for use under this Act;
- (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act. 1948, c. 64, s. 14.

**15.**—(1) Where there is no welfare unit the council of any municipality not within a welfare area may, subject to the approval of the Minister, appoint any person as a local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be a local authority. 1948, c. 64, s. 15 (1); 1949, c. 95, s. 10 (2).

(2) Every local authority shall, for the purposes of this Act, be a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. 1948, c. 64, s. 15 (2).

**16.** Pensions and the expenses of administration of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature. 1948, c. 64, s. 16.

FORM 1

(Section 13(1) )

NOTICE GRANTING OLD AGE PENSION

I,....., of the City of Toronto, in the County of York,....., hereby give notice that on the ..... day of ....., 19....., an old age pension, under the provisions of *The Old Age Pensions Act*, was granted to

.....  
(Name of Pensioner)  
of the ..... of ..... in the .....  
(County or District)  
of.....

.....  
(Occupation)

The following is a description of the land which the said  
.....owns or has an interest in:  
(Name of Pensioner)

.....  
(Description of Land)

This notice is given for the purpose of registration in the .....  
..... of the  
(Registry or Land Titles Office)  
..... of .....  
(City, County or District)

Dated at Toronto this ..... day of .....,  
19.....

1948, c. 64, Form 1.

FORM 2

(Section 13(5) )

CERTIFICATE OF DISCHARGE

The Notice dated the ..... day of ....., 19.....,  
and registered as No..... in the .....  
(Registry or Land Titles Office)  
for the ..... of....., in respect of .....  
(Description of Land)  
is discharged.

DATED at Toronto this ..... day of .....,  
19.....

1948, c. 64, Form 3.