

1937

## c 313 Mothers' Allowances Act

Ontario

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## CHAPTER 313.

## The Mothers' Allowances Act.

Interpreta-  
tion.

1. In this Act,—

"Commis-  
sion."

(a) "Commission" shall mean such department or branch or person in the public service of the Province, or commission or other body of persons as may be appointed or designated by the Lieutenant-Governor in Council to administer this Act;

"Local  
board."

(b) "Local board" shall mean board appointed for a county, city or separated town or for a provisional judicial district under the authority of this Act;

"Minister."

(c) "Minister" shall mean that member of the Executive Council to whom for the time being the administration of this Act is assigned;

"Regula-  
tions."

(d) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act. R.S.O. 1927, c. 280, s. 1; 1933, c. 36, s. 2; 1935, c. 42, s. 2.

Conditions  
under which  
allowances  
may be paid.

2.—(1) Subject to the provisions of this Act and the regulations, a monthly allowance may be paid towards the support of the dependent children of a mother who,—

(a) is a widow, or the wife of a man who is permanently unemployable by reason of mental or physical disability, or of a man who has deserted her and has not been heard of for at least three years;

(b) was resident in Ontario at the time of the death, permanent disability or desertion by the father of the child or children on whose behalf the allowance is to be made, and for a period of two years immediately prior to the application for an allowance;

(c) is resident in Ontario at the time of the application for an allowance;

(d) continues to reside in Ontario with her dependent children while in receipt of an allowance;

(e) is a British subject by birth or naturalization or is the widow or wife of a British subject;

- (f) is a fit and proper person to have the care and custody of her children; and
- (g) has resident with her one or more of her own children under sixteen years of age and has not adequate means to care properly for such child or children without the assistance of an allowance under this Act. R.S.O. 1927, c. 280, s. 2 (1); 1928, c. 47, ss. 2, 3; 1935, c. 42, s. 3 (1-4); 1937, c. 46, s. 2.

(2) A like allowance may be paid to a woman who is a British subject domiciled and resident as aforesaid and who is a fit and proper person to have the care and custody of children and who is married or unmarried and has resident with her one or more orphan children under sixteen years of age and is the grandmother, sister, aunt or other suitable person acting as the foster mother of such child or children and has not adequate means to care properly for such child or children without the assistance of an allowance under this Act. R.S.O. 1927, c. 280, s. 2 (2); 1935, c. 42, s. 3 (5, 6).

(3) In cases presenting special circumstances where investigation has shown the advisability of an allowance being granted to the children dependent upon a mother or foster mother who is not strictly eligible under the terms of subsection 1 or subsection 2, the Commission may recommend to the Lieutenant-Governor in Council the granting of an allowance and the amount of the same, and the Lieutenant-Governor in Council may consider any such recommendation and direct the payment of an allowance accordingly, notwithstanding that such payment is not expressly provided for in this Act. 1935, c. 42, s. 3 (7).

**3.** It shall be the duty of the Commission,—

- (a) to inquire as to the persons qualified as provided by section 2 to receive allowances under this Act, in any county or district or city or separated town in Ontario;
- (b) to obtain such information as to such person as the regulations may require;
- (c) to receive through local boards or otherwise applications by or on behalf of persons so qualified for the payment of allowances under this Act and to consider the same;
- (d) to fix the maximum and minimum allowances which may be granted under this Act;

Duties of  
Commission.

Allowance  
to foster  
mother.

Allowance  
in special  
cases.

- (e) to make orders granting allowances to mothers by whom or on whose behalf application is made to the Commission and who appear to the Commission to be qualified to receive such allowances;
- (f) to keep such records and statistics as the regulations may require or as may appear to be necessary for the proper discharge of the duties of the Commission;
- (g) to report in writing to the Lieutenant-Governor in Council at the close of each fiscal year, with such particulars and information as the regulations may require. R.S.O. 1927, c. 280, s. 5.

Power of Lieutenant-Governor in Council to designate new commission.

4. The Lieutenant-Governor in Council may,—

- (a) change and alter the constitution of any commission heretofore established under the provisions of this Act, and designate or establish a commission for the purpose of carrying out the provisions of this Act and provide for the appointment of a chairman, vice-chairman and other officers, and for the appointment of clerical and other assistance in the office of the commission; and
- (b) provide for the payment of salaries or other remuneration and expenses of the members of the commission and of the officers, clerks and servants thereof, and generally respecting the keeping of accounts and expenditures. 1933, c. 36, s. 5.

Remuneration, etc.

Manner of payment.

5. Allowances granted under this Act and the expenses of administration of this Act shall be payable out of such moneys as may be voted by the Assembly and appropriated by the Legislature for those purposes by the Treasurer of Ontario upon the direction in writing of the chairman of the Commission countersigned by the Minister, and every such direction shall be final and conclusive and shall not be subject to further examination or audit, and the Treasurer upon receiving the direction shall issue the cheque and the Provincial Auditor shall countersign the same. R.S.O. 1927, c. 280, s. 6.

Notice of granting of allowance.

6. Notice in writing of every allowance granted, cancelled or suspended shall in accordance with the regulations be given to the local board in the municipality in which the person, to or in respect of whom the same is payable, resides. 1937, c. 46, s. 3.

Decisions of Commission.—finality of.

7. The decision of the Commission as to any matter arising under this Act shall be final and conclusive and shall not be

subject to appeal or review by any court of law or otherwise, but the Commission may reconsider any decision and may rescind, alter or amend any order, direction or decision previously made under the authority of this Act. R.S.O. 1927, c. 280, s. 8.

**8.** The secretary of every local mothers' allowances board shall for the purpose of the administration of this Act have power to take declarations and affidavits and to receive evidence under oath in the same manner and to the same extent as a commissioner for taking affidavits. 1930, c. 55, s. 2, *part*.

Secretary  
may admin-  
ister oath.

**9.** For the purposes of this Act the territory known as "Burlington Beach" shall be a separate municipality and the Burlington Beach Commission shall have the powers and perform the duties conferred and imposed upon the local board by or under the authority of this Act. 1930, c. 55, s. 2, *part*.

Burlington  
Beach Com-  
mission.

**10.** The investigator in every unorganized district shall for the purposes of the administration of this Act, have power to take declarations and affidavits and to receive evidence under oath in the same manner and to the same extent as a commissioner for taking affidavits. 1931, c. 23, s. 20.

Investigator  
in unorgan-  
ized districts  
authorized  
to take  
affidavits,  
etc.

**11.** On approval of the Lieutenant-Governor in Council the Minister may make regulations—

Regulations.

- (a) governing the procedure of the Commission and prescribing the time and place of meetings of the Commission;
- (b) prescribing the duties of the members of the staff of the Commission;
- (c) providing for the appointment of a local board in any territorial district and prescribing the duties and authority of any local board with respect to this Act and *The Old Age Pensions Act*;
- (d) for the conducting of inquiries and investigations as to persons to whom allowances may be paid or who are in receipt of allowances under this Act or by whom or on whose behalf application has been made for payment of an allowance;
- (e) prescribing the form of reports of local boards and the particulars to be stated therein;
- (f) providing for the appointment of investigators and of visitors or other local officers of the Commission and prescribing their duties;

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c. 314.

- (g) respecting the proofs to be furnished before payment of any allowance or continued payment thereof;
- (h) fixing the intervals at, and the manner in which allowances shall be paid under this Act;
- (i) prescribing forms to be used by the Commission, local boards, visitors and other officers and by persons applying for allowances under this Act;
- (j) respecting the property qualifications and other sources of income of beneficiaries under this Act;
- (k) for entering into arrangements with the Government of any other province in the Dominion of Canada making similar provision for the payment of allowances to mothers as is made by this Act for the payment of such allowance in the case of any person who has been in receipt of such allowance in another province and who moves into Ontario, or in the case of a person who has resided in such other province and in Ontario for periods which together equal the term of residence required by this Act in the case of a resident of Ontario, but no such arrangement shall be entered into nor shall any such payment be made except where the province concerned has passed legislation enabling reciprocal action to be taken with regard to beneficiaries under this Act who may move into such province;
- (l) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 280, s. 9; 1932, c. 53, s. 30; 1935, c. 42, s. 4; 1937, c. 46, s. 4.

Validity  
of appoint-  
ments.

**12.** A member of the council of any municipality may be appointed a member of the local board and any such appointment heretofore or hereafter made shall not disqualify him from being a member of the council. 1930, c. 55, s. 3.

Local board  
for pensions  
and  
mothers'  
allowances.  
Rev. Stat.,  
c. 314.

**13.**—(1) In each county, city and separated town there shall for the purposes of this Act and *The Old Age Pensions Act*, be a local board to be known as "The (*name of municipality*) Old Age Pensions and Mothers' Allowances Board" to be composed of five members, two of whom shall be appointed by and hold office during the pleasure of the council of the municipality, and three of whom shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council, and of the two to be appointed by the council of the municipality one shall be a female and of the three to be ap-

pointed by the Lieutenant-Governor in Council at least one shall be a female.

(2) Notwithstanding the provisions of subsection 1. the Lieutenant-Governor in Council may provide that in any county or city instead of there being one local board for the purposes of this Act and *The Old Age Pensions Act*, there shall be a separate local board for each Act, in which case the local board for the purposes of this Act shall be known as "The (*name of municipality*) Mothers' Allowances Board" to be composed and the members thereof appointed as provided in subsection 1.

Separate local boards may be established.

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(3) The council of every county, city and separated town shall from among its officers and employees assign one of them to be secretary to the local board and such others of them as may be necessary for the purposes of the local board under this Act, and the secretary of every local board shall for the purposes of this Act have the authority of a commissioner for taking affidavits.

Administrative staff of local boards.

(4) In every county the clerk of every local municipality forming part of the county for municipal purposes, or such other officer of the local municipality as the council thereof may designate, shall be a local authority for the purpose of receiving applications for allowances under this Act, which when completed as required by the regulations he shall transmit to the local board in the county for its purposes, and for such services the clerk or other officer of a local municipality may be paid such remuneration as the council of the local municipality may determine and provide.

Clerks of local municipalities in counties to be local authorities.

(5) The Lieutenant-Governor in Council may at any time dissolve the local board in any city or county. 1937. c. 46, s. 5, *part*.

Dissolution of local boards.

(6) Until a local board is established as provided for by this section, the local board of every municipality in office on the 1st day of April, 1937, shall continue as the local authority therefor and shall have the authority and perform the duties of a local board until a local board is established as provided by this section. 1937, c. 46, s. 6.

Where no board under this section.

**14.** Every local board shall have such powers and authority, and perform such duties for the purposes of this Act as the regulations may provide, and the expenses of a local board in a municipality shall be provided by the council thereof. 1937. c. 46, s. 5, *part*.

Functions and expenses of local boards.