

1937

c 314 Old Age Pensions Act

Ontario

© Queen's Printer for Ontario, 1937

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

Old Age Pensions Act, RSO 1937, c 314

Repository Citation

Ontario (1937) "c 314 Old Age Pensions Act," *Ontario: Revised Statutes*: Vol. 1937: Iss. 3, Article 52.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1937/iss3/52>

CHAPTER 314.

The Old Age Pensions Act.

Interpre-
tation."Com-
mission.""Local
authority."Rev. Stat.,
c. 313."Local
board."

"Minister."

"Old age
pension."
R.S.C.,
c. 156.

Haliburton.

Agreement
with
Dominion
Govern-
ment
authorized.

1. In this Act,—

- (a) "Commission" shall mean such department or branch of the Government, or commission or other body of persons as may be appointed or designated by the Lieutenant-Governor in Council to administer this Act; 1929, c. 73, s. 2, cl. (a).
- (b) "Local authority" shall in every county, city and separated town mean local board and in the territorial districts in every town, village and township which is a municipality shall mean the clerk of the municipality or such other of its officers as the council thereof may designate, and in the territorial districts in townships which are not municipalities shall mean investigators appointed under the authority of this Act or *The Mothers' Allowances Act*; 1937, c. 52, s. 2 (1).
- (c) "Local board" shall mean the board in any county, city or separated town established under section 4; 1937, c. 52, s. 2 (2), *part*.
- (d) "Minister" shall mean that member of the Executive Council designated by the Lieutenant-Governor in Council to have charge of the administration of this Act; 1929, c. 73, s. 2, cl. (c).
- (e) "Old age pension" shall include a pension payable to a blind person as provided in the *Old Age Pensions Act* (Canada) and any amendment thereof; 1937, c. 52, s. 2 (2), *part*.
- (f) "Provisional judicial district" shall include the provisional county of Haliburton. 1929, c. 73, s. 2, cl. (d).

2. The Lieutenant-Governor in Council may enter into an agreement with the Governor-General in Council as to a general scheme of old age pensions in the Province pursuant to the provisions of any Act of the Dominion heretofore or hereafter passed relating to old age pensions, and the regulations made thereunder, and for the payment by the Dominion to

the Province quarterly of an amount equal to one-half or more of the net sum paid out during the preceding quarter by the Province for old age pensions pursuant to the provisions of this Act. 1929, c. 73, s. 3; 1932, c. 46, s. 2.

3. The Lieutenant-Governor in Council may by Order-in-Council authorize and provide for the payment of old age pensions to the persons and under the conditions specified in any Act of the Dominion heretofore or hereafter passed relating to old age pensions, and the regulations made thereunder. 1929, c. 73, s. 4.

Payment of pensions.

4.—(1) In each county, city and separated town there shall for the purposes of this Act and *The Mothers' Allowances 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 appointed by the Lieutenant-Governor in Council at least one shall be a female.

Local board in counties, cities and separated towns.

Rev. Stat., c. 313.

(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 Mothers' Allowances 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*) Old Age Pensions Board" to be composed and the members thereof appointed as provided in subsection 1, except that it shall not be necessary that any of the members be females.

Separate board may be established.

Rev. Stat., c. 313.

(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.

Staff for local board.

(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 purposes of receiving applications for pensions under this Act, which when

Clerks of local municipalities to be local authority.

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.

Dissolution of local boards.

(5) The Lieutenant-Governor in Council may at any time dissolve the local board in any city or county. 1937, c. 52, s. 3, *part*.

Power of local authority.

(6) Until a local board is established as provided for in 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. 1937, c. 52, s. 8.

Functions and expenses of local boards.

5. Every local authority 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 authority in a municipality shall be provided by the council thereof. 1937, c. 52, s. 3, *part*.

Pension applications to be made to local authority.

6. Applications for pensions under this Act shall be made to the local authority in the municipality or township in which the applicant resides, in such manner and accompanied by such proofs as the regulations may require. 1937, c. 52, s. 4.

Payments out of appropriations.

7.—(1) Every pension granted under this Act and the expenses incurred in the administration of this Act shall be paid out of such moneys as may be voted by the Legislature and appropriated for those purposes and shall be paid by the Treasurer of Ontario upon the direction in writing of the chairman or other head of the Commission, countersigned by the Minister. 1929, c. 73, s. 6; 1936, c. 42, s. 2 (1).

Monthly audit of accounts.

(2) The accounts of the Commission shall be audited monthly by the Provincial Auditor or by such other person as the Lieutenant-Governor in Council may appoint. 1936, c. 42, s. 2 (2).

Authority and decisions of Commission.

8.—(1) The Commission shall determine the right of any person to receive a pension and the amount thereof, and any increase, reduction, cancellation or suspension thereof, and, subject to its own authority to review the same, the decisions of the Commission shall be final.

Notice of pensions to local authority.

(2) Notice in writing of every pension granted, cancelled or suspended shall in accordance with the regulations be given to the local authority in the municipality in which the pensioner resides. 1937, c. 52, s. 5.

9. Every pension granted under this Act 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. 1929, c. 73, s. 8.

Pension not liable to taxation, attachments, etc.

10. If under the authority of the Parliament of Canada, or for any other reason whatsoever, the Government of Canada shall cease to make the contributions provided for under the *Old Age Pensions Act* (Canada), 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. 1929, c. 73, s. 9.

Right to pension to cease on Dominion's failure to contribute.

R.S.C., c. 156.

11.—(1) Where a pensioner is the owner of an interest in a dwelling house in which he resides and the Commission accepts a transfer to it of such interest, the pension payable to the pensioner shall not be subject to any reduction in respect of the annual value of such interest, but the Commission shall, on the death of the pensioner or upon his ceasing to use such dwelling house as his place of residence, be entitled to sell the pensioner's interest therein and to retain out of the proceeds of such sale the amount of all payments made to the pensioner by way of pension in excess of the amount he would have received if such interest had not been transferred to the Commission, together with interest on the said payments at the rate of five per centum per annum, compounded annually.

When annual value of pensioner's residence not to affect pension.

(2) 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, together with interest at the rate of five per centum per annum compounded annually.

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

(3) 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 which passes by will or on an 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 has continued to be 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 by the Commission to be reasonable. 1929, c. 73, s. 10.

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

12.—(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.

- Name and residence of pensioner to be set out. (a) the name and residence of the person to whom a pension has been granted;
- Date of pension. (b) the date when the pension was granted;
- Description of lands. (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.
- Rev. Stat., c. 174.
- Execution of notice. (2) The notice shall be signed by the chairman or any member of the Commission, and shall be verified in duplicate by affidavit (Form 2) of the chairman or member of the Commission who signs the notice.
- Consent of Commissioner to registration. (3) Upon registration of the notice, no deed, grant, conveyance, transfer, mortgage, charge, lease, assignment or other instrument purporting to convey or transfer any land or any interest therein, made and executed by a pensioner, shall be registered in a registry office or entered in any land titles office, unless the consent in writing of the chairman or a member of the Commission is endorsed thereon, and until such consent is so endorsed thereon, no land or any interest therein so conveyed or dealt with by a pensioner shall vest in any person named in such instrument.
- Fee. (4) The fee for registration of the notice shall be seventy-five cents.
- Discharge of notice. (5) A notice registered under the provisions of this section may be discharged by a certificate (Form 3) signed by the chairman or any member of the Commission, accompanied by an affidavit of execution.
- Fee. (6) The fee for registration of a discharge shall be fifty cents. 1933, c. 43, s. 2.
- When pension to be paid to trustee. **13.** In the event of the incapacity of any pensioner or if the Commission considers that the pensioner is using, or is likely to use his pension otherwise than for his own benefit, the Commission may direct the payment of the pension to a trustee or trustees approved by the Commission to be expended for the benefit of the pensioner. 1929, c. 73, s. 11.
- Management of property by Commission. **14.** The Commission may, with the consent of the pensioner, assume the management of any property, real or personal, belonging to the pensioner. 1929, c. 73, s. 12.

15. The receipt of a pension shall not by itself disqualify any person from voting at any provincial or municipal election. 1929, c. 73, s. 13.

Pensioners
not dis-
qualified
from voting.

16. 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 authority by or under the authority of this Act. 1930, c. 56, s. 4.

Burlington
Beach
Commis-
sion.

17. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

Regula-
tions.

- (a) designating or establishing the Commission and for providing for the appointment of a chairman, vice-chairman and other officers, and the appointment of clerical and other assistance in the office of the Commission;
- (b) providing 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;
- (c) for the appointment of investigators;
- (d) prescribing the form of application for pensions and the proofs to be furnished therewith;
- (e) respecting the powers, authority and duties of local authorities;
- (f) regulating the times at which pensions granted under this Act shall be payable;
- (g) providing for the payment of any pension or part thereof granted under this Act to any statutory or other committee or trustee of the estate of the person to whom the pension is granted, or with the consent of the pensioner to any person or trust or corporate body undertaking or liable for the maintenance and care of any person to whom a pension is granted under this Act;

but no regulation by reference to which any agreement with the Governor-General in Council shall be made shall be altered, nor shall any change be made in any scheme for old age pensions approved by the Governor-General in Council except with the consent of the Governor-General in Council or in

accordance with the provisions of the regulations to which he has agreed. 1929, c. 73, s. 14; 1932, c. 46, s. 5; 1937, c. 52, s. 6.

Provision
for cost.

18. The moneys necessary to meet the old age pensions payable under this Act and the salaries and expenses necessarily incurred in the administration of this Act by the Commission and by the local authority in a provisional judicial district, shall be paid out of such moneys as may be appropriated by the Legislature for that purpose and in the absence of any such appropriation, shall be chargeable upon and payable out of the Consolidated Revenue Fund, and the salaries and expenses necessarily incurred by the local authority except in a provisional judicial district shall be payable by the municipal corporation. 1930, c. 56, s. 5 (1).

SCHEDULE OF FORMS.

FORM 1.

NOTICE GRANTING PENSION.

(Referred to in Subsection 1 of Section 12)

I,....., of the City of Toronto,
(Name of Chairman or Member of Commission)
in the County of York..... of The Old
(Chairman or Member of Commission)
Age Pensions Commission for Ontario, hereby give notice that on the
.....day of....., 19....., a pension,
under the provisions of *The Old Age Pensions Act* (Ontario), and regula-
tions thereunder, was granted to..... of the.....
(Name of Pensioner)
..... of..... in the
..... of.....
(County or District) *(Occupation)*
The following is a description of the land which the said.....
.....owns or has an interest in: *(Name of*
Pensioner)
(Set out description of land)
This notice is given for the purpose of registration in the.....
(Registry or
.....of the.....of.....
Land Titles Office) *(City, County or District)*
Dated at Toronto, this.....day of....., 19.....
(Chairman or Member of Commission)

FORM 2.

AFFIDAVIT VERIFYING NOTICE.

(Referred to in Subsection 2 of Section 12)

I,....., of the City of Toronto,
(Name of Chairman or Member of Commission)
 in the County of York....., of The Old Age Pensions
(Chairman or Member)
 Commission for Ontario, named in the above or attached notice, make
 oath and say:

"That the facts set out in said notice are true."

Sworn before me at the.....of....., in the
of....., this
day of....., 19.....

.....
(Chairman or Member of Commission)

1933, c. 43, s. 3, *part.*

FORM 3.

CERTIFICATE OF DISCHARGE.

(Referred to in Subsection 5 of Section 12)

The Notice registered by The Old Age Pensions Commission for On-
 tario, upon the following lands....., dated the.....day of

(Set out lands)

....., 19....., and registered the....., day
 of....., as No....., in the.....

(Registry or

Land Titles Office) for the.....of.....
(County or District)

is discharged.

.....
(Chairman or Member of Commission)

1933, c. 43, s. 3, *part.*