

1927

c 280 Mothers' Allowances Act

Ontario

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CHAPTER 280.

The Mothers' Allowances Act.

1. In this Act,

Interpretation.

- (a) "Commission" shall mean Mothers' Allowances Commission appointed under this Act; "Commission."
- (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; "Local Board."
- (c) "Minister" shall mean that member of the Executive Council to whom for the time being the administration of this Act is assigned; "Minister."
- (d) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act. 1920, c. 89, s. 2. "Regulations."

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, Conditions under which allowances may be paid.

- (a) is a widow or the wife of an inmate of a hospital for the insane in Canada or of a man who is permanently disabled and incapable of contributing to the support of his family, or of a man who has deserted her and who has not been heard of for at least five years;
- (b) was resident in Canada at the time of the death or total disability of the father of the children on whose behalf the allowance is to be made, and for a period of three years immediately prior to the application for an allowance;
- (c) is resident in Ontario at the time of the application for an allowance and for a period of two years immediately prior thereto;
- (d) continues to reside in Ontario with her dependent children while in receipt of an allowance;
- (e) was 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;

(g) has resident with her two or more of her own children under sixteen years of age and has not adequate means to care properly for them without the assistance of an allowance under this Act. 1920, c. 89, s. 3; 1921, s. 79, ss. 2, 6.

Additional cases in which allowance may be granted.

(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—

To mothers.

(a) has resident with her and under her care a child over the age of sixteen years or a husband who is permanently disabled and incapable of contributing to the support of the family and has also resident with her one of her own children born in lawful wedlock under the age of sixteen years and has not adequate means to care properly for such child without the assistance of an allowance under this Act; or

Allowance to foster mother.

(b) is married or unmarried and has resident with her two 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 children and has not adequate means to care properly for them without the assistance of an allowance under this Act. 1921, c. 79, s. 3; 1921, c. 79, s. 6.

Allowance in special cases.

(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 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. 1921, c. 79, s. 5.

Commission established.

3.—(1) For the purpose of this Act there shall be established a Commission composed of five persons, two of whom shall be women, appointed by the Lieutenant-Governor in Council, and the Commission shall be a body corporate under the name of "The Mothers' Allowances Commission."

Chairman and vice-chairman.

(2) The Lieutenant-Governor in Council shall annually appoint one of the members of the Commission to be chairman and another to be vice-chairman of the Commission.

(3) In case of the absence of the chairman or of a vacancy in the office, the vice-chairman shall have and perform all the powers and duties of the chairman under this Act and the regulations. Vice-chairman's duties and powers.

(4) The members of the Commission shall be appointed in the first instance for one, two, three, four and five years respectively and every member subsequently appointed shall be appointed for a term of five years. Term of office.

(5) In case of a vacancy caused by the death, resignation or incapacity of a member of the Commission a successor to such member shall be appointed to hold office for the remainder of the unexpired term. Vacancies.

(6) Members of the Commission shall be eligible for re-appointment. Re-appointment.

(7) The members of the Commission shall serve without remuneration except that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at meetings of the Commission and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at such meetings and in the transaction of the business of the Commission. Allowances and expenses.

(8) Three members of the Commission shall constitute a quorum. 1920, c. 89, s. 4. Quorum.

4.—(1) The Lieutenant-Governor in Council may on the recommendation of the Commission appoint an executive secretary, and such other officers, clerks and servants of the Commission as may be deemed expedient and may fix the salaries of the members of the staff of the Commission. Staff and Salaries.

(2) *The Public Service Act* shall apply to the Commission as a branch or department of the public service. 1920, c. 89, s. 5. Rev. Stat. c. 16. to apply.

5. It shall be the duty of the Commission, Duties of 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;

- (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. 1920, c. 89, s. 6.

Manner of payment.

6. 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 member of the Executive Council to whom the administration of this Act is assigned, 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. 1920, c. 89, s. 7.

Contributions by county, city or town. Residence of beneficiaries.

7.—(1) Every direction for payment of an allowance under this Act shall name the county, city or separated town or provisional judicial district of which the person to whom the allowance is payable shall be deemed a resident for the purposes of this Act.

Notice to municipality.

(2) Notice in writing, signed by the chairman, that such allowance has been granted with the name and place of residence of the person to whom the same is payable and stating that the municipal corporation of the county, city or town will be required to contribute to such allowance as hereinafter provided shall be sent by registered post to the clerk of the corporation of the county, city or town of which such person is resident.

Objections to contribution.

(3) If the corporation desires to object to making such contribution, the Commission shall hear the objections and consider the same, and may confirm the direction, or if it is deemed unfair or unjust that the corporation should be chargeable may amend the direction and name some other county, city or town as liable for the contribution, but no municipal corporation shall be chargeable under this section unless the person to whom the allowance is payable has resided in the municipality continuously for at least one year immediately prior to the application to the local board for the allowance under this Act.

(4) Where the person to whom the allowance is payable removes to another municipality, that municipality shall not be made liable for the contribution until such person has resided in such other municipality continuously for at least one year. Removal to another municipality.

(5) Every municipal corporation named by the Commission as a contributor under this section shall at such intervals and upon such dates as may be fixed by the regulations, pay to the Treasurer of Ontario an amount equal to one-half of the allowance, and every such amount shall be a debt due to the Crown from the corporation and recoverable with costs by action at the suit of the Treasurer of Ontario. Amount of contribution.

(6) Where the person to whom an allowance is payable under this Act is found by the Commission to be a resident of some place in a provisional judicial district, other than a city, contributions shall not be required under this section, but the whole amount of such allowance shall be borne by the Province. 1920, c. 89, s. 8. Provisional judicial districts.

8. 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. 1920, c. 89, s. 9. Decisions of Commission,—finality of.

9. On approval of the Lieutenant-Governor in Council the Commission 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 executive secretary and other members of the staff of the Commission;
- (c) providing for the appointment of a local board for a county, city or separated town or district, or for any defined territory in Ontario;
- (d) for the conducting of inquiries and investigations by local boards 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 allowance;
- (e) prescribing the form of reports of local boards and the particulars to be stated therein;
- (f) providing for the appointment of visitors or other local officers of the Commission and prescribing their duties;

- (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; 1920, c. 89, s. 10 (a-j);
 - (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; 1921, c. 79, s. 4.
 - (l) generally for the better carrying out of the provisions of this Act. 1920, c. 89, s. 10 (k).
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