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c 188 General Welfare Assistance Act

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CHAPTER 188

General Welfare Assistance Act

1. In this Act,

(a) "applicant" means a person who applies or on whose behalf an application is made for assistance;

(b) "assistance" means assistance of a class provided under this Act and the regulations;

(c) "Director" means the Director of the Income Maintenance Branch of the Ministry of Community and Social Services;

(d) "field worker" means a person employed as such by the Ministry of Community and Social Services or any other employee of the Ministry whom the Minister designates as such;

(e) "Minister" means the Minister of Community and Social Services;

(f) "municipal welfare administrator" means a person appointed as such for the purposes of this Act;

(g) "municipality" means a city, separated town, town, village, township or improvement district, and, where the council of a county has appointed a municipal welfare administrator under subsection 4 (3), means the county together with any municipality that forms part of the county for the purpose of the administration of assistance;

(h) "recipient" means a person to whom assistance is provided;

(i) "recipient of a governmental benefit" means a person,

(i) who is a pensioner under the Old Age Security Act (Canada), or
(ii) who is a beneficiary under the Family Benefits Act, or

(iii) who is receiving a maintenance allowance under the Vocational Rehabilitation Services Act,

and includes such other classes of persons as the regulations prescribe;

(j) "regional welfare administrator" means a person employed as such by the Ministry of Community and Social Services or designated as such by the Minister;

(k) "regulations" means the regulations made under this Act;

(l) "supplementary aid" means the assistance that may be paid to a recipient of a governmental benefit;

(m) "unemployable person" means a person who is certified by a legally qualified medical practitioner as being unable to engage in remunerative employment by reason of physical or mental disability;

(n) "unemployed person" means a person who is able to engage in remunerative employment and who is not so engaged at the time he makes application for assistance. R.S.O. 1970, c. 192, s. 1; 1972, c. 1, ss. 1, 19 (3), revised.

2. The Minister, with the approval of the Lieutenant Governor in Council, may make agreements with any municipality and any municipality may make agreements with the Minister respecting the payment by the Province to the municipality or by the municipality to the Province of contributions to the cost of public works measures undertaken by the municipality or by the Province to relieve unemployment in the municipality. R.S.O. 1970, c. 192, s. 2.

3. The Director shall exercise general supervision over the administration of this Act and the regulations and shall advise municipal welfare administrators, regional welfare administrators and others as to the manner in which their duties under this Act are to be performed. R.S.O. 1970, c. 192, s. 3.

4.—(1) The council of a municipality may, with the approval of the Minister, appoint a municipal welfare administrator.
(2) The municipal welfare administrator shall receive applications for assistance and shall determine the eligibility of each applicant for assistance, and, where the applicant is eligible, shall determine the amount of the assistance and direct provision thereof, and he may from time to time vary any amount so determined.

(3) Instead of the municipalities that are within a county for municipal purposes administering assistance independently of one another, the council of the county may, with the approval of the Minister, appoint a municipal welfare administrator to administer assistance in all such municipalities, except that any such municipality that has a population of more than 5,000 according to its last revised assessment roll may, by agreement with the county and with the approval of the Minister, appoint a municipal welfare administrator to administer assistance in that municipality independently of the county.

(4) Any municipality within a county but not forming part of the county for municipal purposes may, with the approval of the council of the county and the Minister, form part of the county for the purpose of the administration of assistance. R.S.O. 1970, c. 192, s. 4.

5. The Director, every municipal welfare administrator or any of the assistants of the municipal welfare administrator authorized by the council of the municipality, every regional welfare administrator, every welfare allowances officer and every field worker is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of the *Commissioners for taking Affidavits Act*. R.S.O. 1970, c. 192, s. 5.

6. A municipal welfare administrator or a regional welfare administrator may, in writing, authorize any person employed on his staff to exercise under his supervision and direction any of the powers conferred or the duties imposed on him under this Act or the regulations. 1971, c. 50, s. 44 (1).

7.—(1) A municipality shall provide assistance in accordance with the regulations to any person in need who resides in the municipality and who is eligible for such assistance.

(2) A municipality may provide assistance in accordance with the regulations to any other person who resides in the municipality and who is eligible for such assistance. R.S.O. 1970, c. 192, s. 6.
8.—(1) There may be paid to any class of municipality prescribed by the regulations out of moneys appropriated therefor by the Legislature grants and subsidies for any of the purposes of this Act in such amounts and under such conditions as the regulations prescribe.

(2) There may be paid to any class of municipality prescribed by the regulations and to district welfare administration boards established under the District Welfare Administration Boards Act out of moneys appropriated therefor by the Legislature subsidies for the costs of the administration of welfare services as defined in that Act, or of assistance, as the case may be, in such amounts and under such conditions as the regulations prescribe. R.S.O. 1970, c. 192, s. 7.

9. Except in cases of emergency as provided for in the regulations, assistance shall be provided only after the receipt by the municipal welfare administrator or the regional welfare administrator, as the case may be, of an application therefor in the prescribed form. R.S.O. 1970, c. 192, s. 8.

10.—(1) In this section and section 11, “welfare administrator” means municipal welfare administrator or regional welfare administrator, as the case may be.

(2) A welfare administrator may refuse to provide or may suspend or cancel assistance under this Act where,

(a) the applicant or recipient is not or ceases to be entitled thereto or eligible therefor under this Act or the regulations;

(b) the applicant or recipient fails to provide to the welfare administrator or his representative the information required to determine initial or continuing entitlement to or eligibility for assistance or the amount of the assistance; or

(c) any other ground for refusal, suspension or cancellation specified in the regulations exists.

(3) Where practicable, a welfare administrator shall afford an applicant for or recipient of assistance prescribed as general in the regulations an opportunity to make submissions before suspension, cancellation or refusal of the assistance to show why such action should not be taken, and the Statutory Powers Procedure Act does not apply to proceedings of a welfare administrator under this section. 1971, c. 50, s. 44 (2).
11.—(1) In this section, “board of review” means the Social Assistance Review Board under the Ministry of Community and Social Services Act. 1974, c. 96, s. 1 (1), part.

(2) Any applicant or recipient affected by a decision of a welfare administrator made under this Act or the regulations in respect of the payment of a class of assistance prescribed as general in the regulations may by notice mailed within thirty days after he receives notice of the decision to the chairman of the board of review request a hearing and review of the decision by the board, and an applicant or recipient who so mails or delivers such request is entitled to a hearing by the board. 1971, c. 50, s. 44 (3), part; 1974, c. 96, s. 1 (1), part, (2).

(3) The board of review may extend the time for giving notice by an applicant or recipient under subsection (1), either before or after expiration of the time therein specified, where it is satisfied there are prima facie grounds for claiming relief pursuant to a hearing or for appeal and that there are reasonable grounds for applying for the extension. 1971, c. 50, s. 44 (3), part.

(4) Where an applicant or a recipient has filed a notice requesting a hearing under subsection (1), the provisions of sections 14, 15, 16 and 18 of the Family Benefits Act and section 12 of the Ministry of Community and Social Services Act apply with necessary modifications to a hearing and review by the board of review under this Act and appeals therefrom. 1971, c. 50, s. 44 (3), part; 1974, c. 96, s. 1 (3).

12. A municipal welfare administrator or a regional welfare administrator may recover from a recipient any sum paid to him by way of assistance to which he was not entitled under this Act or in excess of any amount to which he was so entitled whether by reason of non-disclosure of facts, misrepresentation or fraud or for any other cause disentitling him to such assistance by reducing or suspending any assistance payable to the recipient or by proceedings to recover such sum as a debt due to the municipality or to the Crown, as the case may be, in any court of competent jurisdiction. 1971, c. 50, s. 44 (3) part.

13. A municipality or the Province may provide assistance by way of supplementary aid to or on behalf of recipients of governmental benefits. R.S.O. 1970, c. 192, s. 10.

14. The Lieutenant Governor in Council may make regu-
(a) prescribing classes of assistance and the items to be included in any such class and the manner of computing the amount or cost thereof and providing for contributions to or reimbursement of sums expended therefor and prescribing the maximum amounts or percentages thereof;

(b) prescribing classes of persons who are eligible for assistance and fixing standards of eligibility;

(c) defining persons in need or prescribing classes of such persons;

(d) defining residence for the purposes of establishing eligibility for assistance, liability to provide assistance, a right to a contribution to the cost of assistance or a right to reimbursement of the whole or any part of the cost of assistance, or for any other purposes of this Act and prescribing the circumstances in which any such definition is applicable;

(e) supplementing the liabilities mentioned in section 7, prescribing the circumstances under which there is a liability to provide assistance, a right to a contribution or a right to reimbursement and providing procedures therefor and for determining the maximum amounts of percentages thereof;

(f) prescribing classes of municipalities to which grants or subsidies may be paid by the Province;

(g) prescribing classes of grants and subsidies from the Province, the methods of determining the amounts of any grant or subsidy, providing for the manner in which and the intervals at which payments shall be made, for the suspension or withholding of the grants and subsidies or any part thereof and for making any deductions from any such grant or subsidy;

(h) providing for the recovery by the Province from a municipality of any amounts of assistance paid by the Province for which the municipality is liable or for the recovery by the Province or a municipality from a recipient of assistance or from his estate of amounts of assistance paid by the Province or municipality, and prescribing the circumstances and manner in which any such recovery may be made;
(i) adding to the classes of persons who are recipients of governmental benefits;

(j) providing for the payment of supplementary aid to recipients of governmental benefits, prescribing the circumstances under which and by whom it is payable, and providing for contributions to or reimbursement of amounts expended therefor and prescribing the maximum amounts or percentages thereof;

(k) prescribing the amounts of money that may be paid by the Province in respect of the burial of indigent persons who were residing in territory without municipal organization;

(l) governing the manner of making application for assistance;

(m) providing for the making of investigations for the purposes of this Act of applicants for or recipients of assistance;

(n) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before assistance is provided or while assistance is being provided;

(o) prescribing the manner in which and the intervals at which assistance is to be provided;

(p) prescribing additional powers and duties of the Director, regional welfare administrators and municipal welfare administrators;

(q) prescribing the records to be kept and the claims and returns to be made to the Minister by municipalities and prescribing the times within which and the manner in which such claims or returns shall be made;

(r) providing for the whole or part of the cost of providing medical and dental services to recipients of assistance and their dependants or any class thereof;

(s) defining expressions for the purposes of the regulations;

(t) prescribing forms and providing for their use;
(u) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act. R.S.O. 1970, c. 192, s. 11.

15.—(1) In this section,

(a) "band", "council of a band", "member of a band" and "reserve" have the same meaning as in the Indian Act (Canada);

(b) "welfare administrator for a band" means a person appointed as such for the purposes of this Act.

(2) The council of a band that is approved for the purposes of this Act may, with the approval of the Minister, appoint a member of the band as the welfare administrator for the band.

(3) The provisions of this Act that apply to a municipal welfare administrator apply with necessary modifications to the welfare administrator for a band.

(4) A band may, with the approval of the council of a county and the Director, form part of the county for the purpose of the administration of assistance.

(5) The council of a band that is approved for the purposes of this Act shall provide, in accordance with the regulations, assistance to the members thereof who are persons in need and who reside on the reserve of the band and who are eligible for assistance and may provide assistance to other persons in need who reside on the reserve and who are eligible for assistance if the council of the band approves the provision of assistance to such persons.

(6) The council of a band that is approved for the purposes of this Act may provide assistance by way of supplementary aid to or on behalf of recipients of governmental benefits who reside on the reserve of the band.

(7) The Lieutenant Governor in Council may make regulations,

(a) providing for the recovery by the Province from the council of a band of any amounts of assistance paid by the Province for which the council of the band is liable or for recovery by the council of a band from a recipient of assistance paid by the council of the band, and prescribing the circumstances and manner in which any such recovery may be made;
(b) specifying bands that are approved for the purposes of this Act.

(8) There may be paid to the council of a band that is approved for the purposes of this Act, out of moneys appropriated therefor by the Legislature, grants and subsidies for any of the purposes of this Act in such amounts and under such conditions as the regulations prescribe. R.S.O. 1970, c. 192, s. 12.

16.—(1) No person shall knowingly obtain or receive assistance 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 to obtain or receive assistance that such other person is not entitled to obtain or receive under this Act and the regulations.

(3) Every person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $100 or to imprisonment for a term of not more than three months, or to both. R.S.O. 1970, c. 192, s. 13.