



LEGAL AID  
RESEARCH SERIES

LEGAL AID ELIGIBILITY AND  
COVERAGE IN CANADA



# Legal Aid Eligibility and Coverage in Canada

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*The views expressed herein are solely those of the  
author and do not necessarily reflect those of the  
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## Executive Summary

The financial eligibility guidelines in use in all legal aid plans fall below low income levels as measured by the Statistics Canada Low Income Cut-Off (LICO). The extent to which the financial eligibility guidelines fall below low income levels varies considerably from one jurisdiction to the next. Depending on the jurisdiction, the percentage of poor adults aged 18 to 35 who would qualify for legal aid varies between 21% and 88%. Financial eligibility guidelines are income by family size grids, and these percentages would vary slightly from one family size category to the next.

It is recognized that the definition of poverty and the mediating effects of provincial social safety nets differ from one jurisdiction to the next. However, it seems clear that there is *unequal access* to legal aid across the country based on income level.

The figures above refer to free or non-contributory legal aid. Most legal aid plans have client contribution programs that provide legal aid on a contributory basis to the working poor. These additional income bands above the normal financial eligibility guidelines provide legal aid on a partial or full repayment basis to some people among the working poor.

Legal aid financial eligibility guidelines are updated periodically. However, they are typically not updated on a regular basis to keep pace with changes in economic indicators.

The two main conclusions drawn from this report are that legal aid eligibility guidelines are consistently below low income levels and that applicants for legal aid do not appear to have the same access to legal aid based on their income level.



## Introduction

Legal aid is a vital part of the Canadian justice system. Legal aid plans pre-date the *Canadian Charter of Rights and Freedoms*, with the earliest plan being set up in Ontario in 1967 with the enactment of the first legal aid act. The remaining provinces later followed suit with both federal and provincial funding. Prior to this, legal aid was conducted as a charity administered on an informal basis by lawyers volunteering their time and services. The underlying philosophy was that this was a social responsibility of the legal profession. While *pro bono* work is still done, it does not have the same impact on the overall system.

The legal aid plans are somewhat distinct from each other, with different delivery mechanisms, varying levels of financial eligibility and coverage provisions. The common goal they share is to ensure that those ‘in need’ are able to receive legal assistance when they cannot afford to hire a lawyer.

While the *Canadian Charter of Rights and Freedoms* provides all Canadians with the “right to counsel without delay” for criminal cases,<sup>1</sup> this does not include state funded counsel. The importance of legal aid is based on the adversarial nature of the justice system, whereby the system cannot function fairly and effectively if only the Crown has knowledge, skill and expertise. The Ontario Judges’ Association, in their brief to the Attorney General of Ontario Legal Aid Review, noted that:

In the criminal justice system, there is an inevitable imbalance between the power and resources of the Crown and the power and resources of an individual accused. Legal aid is intended to bring some balance to the field.<sup>2</sup>

The administration of legal aid services falls under the Constitutional responsibility of the provincial governments under their powers over the administration of justice.<sup>3</sup> Each plan, however, receives funding from the federal government. The Department of Justice Canada shares the cost of legal aid for *criminal matters* with the provinces through negotiated agreements. Under the federal cost-sharing agreements, the provinces retain the right to determine financial eligibility and coverage restrictions.

Legal aid, with respect to criminal matters, is provided to those individuals and organizations who are financially unable to secure legal services from their own resources. This is an attempt to provide equal access to justice for those who are economically disadvantaged. However, legal aid is available only to those who meet certain eligibility criteria. Across Canada, there are a variety of criteria and provision of services based on differing ideas and definitions of what it is to be economically disadvantaged, and the appropriate or necessary legal services that should be provided.

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<sup>1</sup> *Canadian Charter of Rights and Freedoms*, 1982, s.10.

<sup>2</sup> Ministry of the Attorney General of Ontario. *Report of the Ontario Legal Aid Review : A Blueprint for Publicly Funded Legal Services*. 1997.

<sup>3</sup> *The Constitution Act*, 1867. s. 92 (14).

This paper is a contribution to the ongoing examination by the federal Department of Justice Canada of unmet needs in criminal legal aid. Financial eligibility and coverage restrictions are the two key areas in the determination of access to legal aid services by disadvantaged people. In order to better inform the policy process, the Department of Justice Canada is interested in examining the differences in coverage and eligibility across jurisdictions.<sup>4</sup>

There are three overarching questions that guide this paper:

1. What are the differences in legal aid financial eligibility criteria and coverage restrictions between jurisdictions?
2. How does financial eligibility in each jurisdiction compare to accepted definitions of poverty?
3. How do the differing criteria and coverage restrictions affect access to legal aid for low income Canadians?

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<sup>4</sup> Please note, the Territories are not included in this research.



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## Methodology

This paper includes current information on the financial eligibility guidelines and coverage restriction in each jurisdiction and an analysis of financial eligibility criteria in each jurisdiction in relation to Statistics Canada's Low Income Cut-off (LICO).

In order to address these issues, the provincial legal aid plans were consulted to determine current financial eligibility criteria and coverage restrictions, as were the Legal Aid Acts and Regulations, annual reports and business plans, when available. Data analyses, using Statistics Canada's *Income In Canada 1999*<sup>5</sup> and the *Survey of Labour and Income Dynamics (SLID) 1998*, were conducted in order to compare the financial eligibility guidelines to the LICO and to determine the proportion of poor that would be eligible for legal aid given the financial eligibility guidelines (income component) in the different jurisdictions. It is important to note that while the information on the plans themselves is current, the data analyses, because of limitations in the microdata, examine the situation in 1998.

This paper is divided into five sections:

Section 1 - Inventory of Legal Aid Plans in Canada

Section 2 - Coverage Restrictions

Section 3 - Financial Eligibility Criteria

Section 4 - Data Analysis – *How do the Financial Eligibility Guidelines compare to the Low Income Cut-offs ?*

Section 5 - Conclusions and Future Research

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<sup>5</sup> The published data on incomes in Canada and the LICO includes data from 1999; however, the microdata that is needed to do the data analysis is publicly available only for 1998.





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## Section 1

# Inventory of Legal Aid Plans in Canada

Statistics Canada, through the Canadian Centre for Justice Statistics (CCJS), systematically conducts a yearly survey of the legal aid plans in Canada. The published information can be found in *Legal Aid in Canada: Resource and Caseload Statistics*.<sup>6</sup> In addition, CCJS periodically publishes a description of each legal aid plan in their report *Legal Aid in Canada: A Description of Operations*.

The purpose of this section is to create an updated inventory of the legal aid plans in Canada, excluding the Territories. Unlike the Statistics Canada publications, this inventory focuses only on criminal legal aid and addresses only the financial eligibility criteria and coverage restrictions. It does not include areas such as tariffs for lawyers or expenditures. It does, however, draw upon the Statistics Canada publications and updates the information on each plan to the present day (as of January 2002).

In order to update this information, the legal aid plans across Canada were consulted along with their annual reports, business plans, Acts and regulations and in some instances, their policy manuals. It is important to note that this inventory simply summarizes the information from the plans.

The inventory lists the following areas:

### **Financial Eligibility**

*Guidelines* – the updated income guidelines.

*Expanded eligibility through contributions* – whether there is a system allowing applicants to exceed the guidelines by contributing to their legal costs.

*Income definition* – How the plans determine income in their eligibility criteria.

*Family definition* – How the plans define family in the eligibility criteria.

*Assets Test* – Whether the plans assess assets and what are the limits, if any.

*Client Contributions* – Whether the applicants are asked to contribute towards their legal costs, even under full legal aid coverage.

### **Substantive Coverage**

*What types of cases are covered by the plans?*

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<sup>6</sup> Canadian Centre for Justice Statistics. *Legal Aid in Canada: Resource and Caseload Statistics 1999-2000*. Statistics Canada, Ottawa, 2001. Cat. No. 85F0015XIE.

## **Criminal Appeals**

*Circumstances under which the plans cover criminal appeals.*

## **Duty Counsel**

*Whether the plans offer duty counsel services and under what conditions.*

## **Coverage and Eligibility Reviews**

*Whether the plans allow applicants to appeal the legal aid plan decisions.*

## **Application Fee**

*Whether the plans ask for an application fee.*

## **British Columbia**

The Legal Services Society (LSS) of British Columbia was established in 1970, and by 1979, the *Legal Services Act* was passed. The Act establishes the society as a corporation that is independent of both the provincial government and the law society. The LSS provides legal services to people who can't afford a lawyer and provides legal education and legal information to the people of British Columbia. The LSS provides these services through a mixed delivery system of staff lawyers and private bar lawyers.

### **Financial Eligibility**

The Legal Services Society administers an income and assets test to determine financial eligibility. An applicant whose net household income and assets are below set limits is financially eligible for legal aid. Intake workers assess an applicants' financial status to determine their net household income and assets.

There are two maximum income levels: one for criminal and one for all other matters. These different levels were introduced in 1997 due to budgetary constraints. However, the financial eligibility limits for legal aid applicants were raised in 2000 to restore the number of criminal cases back to pre-1997 levels.



### Income and Asset Guidelines<sup>7</sup>

<i>Income</i>			<b>Assets</b>
<i>Household size</i>	<b>Criminal Cases</b> (includes appeals) \$ Net monthly income	<b>All other cases</b> (includes appeals) \$ Net monthly income	<b>Personal Property exemption</b> (all cases) (\$)
1	925	1,002	2,000
2	1,388	1,504	4,000
3	1,620	1,755	4,500
4	1,792	1,941	5,000
5	1,975	2,140	5,500
6	2,147	2,326	6,000
7+	2,294	2,486	6,000

Source: Legal Services Society. *Annual Report 2000-01*. [<http://www.vcn.bc.ca/lssbc/>]

### *Expanded Eligibility through Contribution*

No

### *Income Definition*

The LSS utilizes net income. Net income includes income from all sources including foster care, student loans, maintenance payments received. The LSS allows the following deductions when assessing an applicant's finances: Child Tax Benefit, Family Bonus, GST payments, tuition or book fees. Net income is calculated by adding together income from all sources and subtracting deductions. Deductions include daycare expenses, child support payments, court fines, the costs of medication and the cost of an interpreter for legal proceedings.

The LSS will consider the income and assets of both the applicant and his/her spouse when determining eligibility. If there is a pooling of income from the outset, then the plan will take into consideration the household income. Following two years of co-habitation, both partners' incomes are considered in determining eligibility.

### *Family Definition*

The income test uses the number of people in a household not family type. The regulations refer to spouse (married or common-law) and dependents.

### *Assets Test*

Applicants whose income is below the guidelines may own some assets and still be eligible for legal aid.

<sup>7</sup> In effect 2000-2001.

There are five asset categories. Each category has different limits, but, generally, applicants may have some personal property (e.g. reasonable household furnishings), a small amount of liquid assets (e.g., cash, bank accounts), and equity up to \$5000 in vehicle(s), without becoming ineligible for legal aid.

The categories are as follows:

- ✓ Family home – the applicant is ineligible if the family home is considered disposable and there is equity available to the applicant after a reasonable exemption has been deducted. If the applicant has a significant share of equity in the family home, eligibility may be reassessed at a later date.
- ✓ Real property (any kind of real estate except the family home) – The applicant is ineligible if her/his total share of disposable real property exceeds \$10,000.
- ✓ Vehicles – The applicant is ineligible if the total share of equity in vehicle(s) exceeds \$5,000.
- ✓ Business assets – The applicant is ineligible if he or she has any available equity in business assets.
- ✓ Personal property (excluding vehicles but including, for example, savings accounts, RRSPs, furniture, jewellery, etc.) – The applicant is ineligible if her/his total equity in personal property exceeds the limits based on household size.

### *Client Contributions*

From 1982 until 1995, clients were asked to contribute toward their legal costs. The contribution was \$10 for those on or eligible to receive social assistance and was \$30 for everyone else. This contribution was inconsistently collected.

In July 1995, the LSS established a sliding scale of client contributions according to income guidelines. Applicants whose household income after deductions falls within the LSS

contribution guidelines must pay a contribution ranging from \$25 to \$100 before they can be referred to a lawyer or staff paralegal. (Contributions may be deferred for CFCSA and family emergency referrals.) As a condition of receiving legal aid, clients must agree to repay some or all of their legal aid costs if their financial situation improves and on reassessment of their eligibility.

Household Size	Personal Property exemption (all cases) (\$)
1	2,000
2	4,000
3	4,500
4	5,000
5	5,500
6	6,000
7+	6,000



Table of Contributions by Income Level<sup>8</sup>

Household size	Monthly household income after deductions (\$)				
	0 – 644	645 – 678	679 – 775	776 – 872	over 872
1	0 – 923	924 – 972	973 – 1,111	1,112 – 1,250	over 1,250
2	0 – 1,129	1,130 – 1,189	1,190 – 1,359	1,360 – 1,529	over 1,529
3	0 – 1,283	1,284 – 1,350	1,351 – 1,543	1,544 – 1,736	over 1,736
4	0 – 1,396	1,397 – 1,469	1,470 – 1,679	1,680 – 1,889	over 1,889
5	0 – 1,489	1,490 – 1,567	1,568 – 1,791	1,792 – 2,015	over 2,015
6	0 – 1,584	1,585 – 1,665	1,666 – 1,903	1,904 – 2,141	over 2,141
7 or more					
<b>Assessed Contribution</b>	<b>None</b>	<b>\$25.00</b>	<b>\$50.00</b>	<b>\$75.00</b>	<b>\$100.00</b>

### Substantive Coverage

Legal aid is available to financially eligible applicants if they are charged with an indictable offence (the most serious offence, carrying a penalty of at least two years in prison), or a summary conviction offence (less serious than an indictable offence, usually carrying a maximum penalty of a \$2,000 fine and six months in jail). Hybrid offences (where the prosecutor decides whether the offence will be dealt with as an indictable or a summary conviction offence) are also covered.

LSS under its mandate must provide legal representation to financially eligible people charged with criminal offences who, if convicted:

- ✓ are likely to go to jail;
- ✓ might lose their means of earning a living;
- ✓ could be deported from Canada.

There are also special circumstances whereby applicants may also receive legal representation if they:

- ✓ do not face imprisonment but have a mental or emotional disability that prevents them from defending themselves;
- ✓ are Aboriginal and their ability to follow traditional livelihood of hunting and fishing could be affected if they are convicted of an offence.

### Criminal Appeals

Criminal appeals are covered only if they fall within the regular coverage and have a reasonable chance of succeeding. Applicants who are financially eligible for legal aid may be covered if they are responding to appeals initiated by another party. Otherwise, the LSS funds only those appeals and judicial reviews that fall under the Society’s regular coverage criteria and have a chance of success. The Appeals Department of the LSS must approve all judicial appeals and all services to be provided in each case.

<sup>8</sup> (Effective April 7, 1997).

## Duty Counsel

Clients do not have to be financially eligible to receive duty counsel services, but only those who meet the criteria are entitled to ongoing representation. From April through September 2000, there was a reduction of services due to insufficient funds. Duty counsel services in most British Columbia provincial courts were available *only* to accused persons being held in custody. An increase to the society's funding for 2001-02, announced by the province in March 2001, enabled the LSS to restore its services to include those not in custody.

British Columbia has a "Brydges-line," that is, a 24 hour toll-free telephone line to ensure access to legal advice to those who have been arrested or detained or, who are under investigation, but not yet charged and need emergency advice.

## Coverage and Eligibility Reviews

Applicants who are refused legal aid have the right to have that decision reviewed. The Chief Executive Officer or his or her designate make final decisions on reviews. They must request an appeal within 21 days of receiving the decision.

The LSS has the right to refuse to provide legal aid. This can happen if the intake worker believes an applicant does not meet the financial eligibility criteria or has a problem that does not fall under the Society's coverage rules, or has not provided sufficient information to satisfy that they should receive legal aid.

## Application Fee

There is no administration fee per se.<sup>9</sup>

### Sources:

Legal Services Society. *Annual Reports* 1997-98, 1998-99, 2000-01.

Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations*. Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB.

Personal communication with Ms. Sandy Shreve, Legal Services Society, British Columbia.

## Alberta

Alberta has no formal legal aid act. In 1970, an agreement was reached between the Law Society of Alberta and the provincial government, whereby the Law Society would provide services to eligible applicants. In 1973, the Legal Aid Society was incorporated to provide legal assistance to individuals who were in need, pursuant to the agreement between the province and the Law

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<sup>9</sup> Albert Currie, a researcher at the Research and Statistics Division of the Department of Justice Canada, feels that British Columbia's client contribution program is equivalent to having an administration fee. He calls their contribution program a "hybrid" that incorporates both client application fees and contributions.



Society. In 2002, a new governance agreement was signed by the Legal Aid Society, the Law Society and the provincial government.

Legal aid services in Alberta are provided mainly by the private bar, using the judicare model of service delivery. Staff lawyers provide services in youth criminal cases in Edmonton and Calgary, as well as duty counsel services in those cities. There are also pilot projects underway involving the hiring and use of staff lawyers for civil cases and duty counsel services for family law matters.

### Financial Eligibility

Financial eligibility criteria are determined by gross income together with an appraisal of accumulated assets. A person's gross income is compared to a fixed scale of financial guidelines, which take family size into account. There are two ranges for financial eligibility: a monthly/yearly income range and a contribution range. Legal aid is not free in either instance. The Society often exercises discretion in favour of applicants whose income and/or assets are slightly over the guidelines, if the applicants are unable to retain counsel privately. These guidelines are not cut-offs, and discretion can be used in applying them.

#### Income Guidelines

Family Size	Gross Income			
	Monthly eligibility range (\$)	Monthly -contribution Range (\$)	Yearly income eligibility Range (\$)	Yearly income – contribution range (\$)
1	0 - \$1,158	1,158 - 1,792	0 – 13,900	13,900 – 21,500
2	0 – 1,400	1,400 – 2,275	0 - 16,800	16,800 – 27,300
3	0 – 1,883	1,883 – 2,450	0 - 22,600	22,600 – 29,400
4	0 – 2,100	2,100 – 2,717	0 – 25,200	25,200 – 32,600
5	0 – 2,408	2,408 – 2,867	0 – 28,900	28,900 – 34,400
6	0 – 2,625	2,625 – 3,200	0 – 31,500	31,500 – 38,400
7	0 – 2,892	2,892 – 3,500	0 – 34,700	34,700 – 42,000

*Source: Legal Aid Society of Alberta. Personal communication with Pat Bard. November 14, 2001.*

#### *Expanded Eligibility through Contributions*

Applicants who are on the borderline of financial eligibility may be provided coverage if they contribute to their legal aid costs. This means that a client would be required to make monthly payments as a condition of receiving legal aid. The amount of the contribution varies and is assessed on a case-by-case basis.

#### *Income Definition*

The Legal Aid Society of Alberta uses gross family income in its assessments. Gross family income means all monies received by the family before deductions.

### *Family Definition*

The criteria refer to family size, and a family consists of the applicant, spouse and any dependents. It would also include common-law partners.

### *Assets Test*

There are no set guidelines for assets. If the applicants can liquidate their assets, they will be asked to do so. But, such requests must be reasonable and are determined with each case. An applicant's liabilities are also taken into account.

If the applicant owns real property that can be mortgaged to another party (other than legal aid), or if the property is in addition to the applicant's homestead and therefore can be sold to pay for the cost of legal fees, the applicant will not be provided with legal aid. If necessary and applicable, the Legal Aid Society can obtain a mortgage on an applicant's property.

### *Client Contributions*

Legal aid in Alberta is not free. When clients can contribute to their legal costs, they will be asked to do so.

## **Substantive Coverage**

Coverage is available for people charged with a federal indictable offence and who are financially eligible for legal aid. Summary conviction offences are covered only if, in the opinion of the Legal Aid Society, there is a likelihood of imprisonment or loss of the means to earn a livelihood upon conviction. The Society has the discretion to grant coverage where special circumstances warrant the provision of legal aid.

## **Criminal Appeals**

In order for legal aid coverage to be granted in criminal appeals, the rules require that there be merit to an accused's appeal against a sentence or a conviction. Decisions are made by the Northern/Southern Director or are referred to a Regional Committee. Coverage is also granted to respond to Crown appeals on indictable matters. Coverage for Crown appeals on summary matters is not usually provided unless the original matter was one for which coverage would have been granted, or the Crown is likely to be seeking a sentence of imprisonment. Decisions regarding coverage for appeals to the Supreme Court of Canada are within the sole jurisdiction of the Northern and Southern Appeals Committees.

## **Duty Counsel**

The Society operates a criminal duty counsel program at courts in all the major centres and in youth court. Lawyers conduct interviews with accused persons who are in custody in remand centres or in police cells before the person's first court appearance, and time permitting, with persons not in custody prior to their appearance in court.





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In March 1990, in response to the Brydges decision, the Society drew up a list of lawyers who could be contacted 24-hours a day. The roster is distributed to police and the RCMP.

### **Coverage and Eligibility Reviews**

An applicant for legal aid services has 30 days from the date of notification to appeal a staff or Appeals Committee decision pertaining to eligibility or coverage. If the appeal is refused, they can again appeal to the Board.<sup>10</sup> The Board has established appeals committees that consider all such appeals. There are two sections of the Board's Appeals Committee: the northern section in Edmonton and the southern section in Calgary. Decisions of the Board are final.

### **Administration Fee**

A \$10 application fee which had been charged to adults applying for legal aid services was eliminated effective April 2000.

#### Sources:

Legal Aid Society of Alberta. *Annual Reports 1997, 1998, 1999, 2000.*

Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations.* Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB.

Personal communication with Pat Baird, Legal Aid Society of Alberta.

## **Saskatchewan**

The legal aid plan in Saskatchewan has been in existence since 1974. *The Legal Aid Act (1983)* makes the Legal Aid Commission responsible for the delivery of legal aid throughout the province. The plan uses a salaried staff model for most of its applicants.

### **Financial Eligibility**

Financial eligibility relies primarily on a test of an applicant's income and assets. The income cut-offs and assets test used to determine financial eligibility are based on those used by Saskatchewan Social Services. Applicants are eligible if they meet the following criteria:

- ✓ they are receiving income from social assistance;
- ✓ their financial resources are at social assistance levels;
- ✓ the case merits coverage;
- ✓ the costs of obtaining the services of a private lawyer would reduce their financial resources to social assistance levels.

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<sup>10</sup> The Legal Aid Society is managed by a Board of Directors which reports to both the Law Society and the Attorney General of Alberta.

But other factors are also considered, such as the following:

- ✓ the urgency of the situation and the nature of the service needed;
- ✓ the costs of the proceedings;
- ✓ a determination of whether a reasonable person who had to pay a lawyer would spend their own money to advance the case.

Further, while not expressly stated in their regulations, the plan also takes into account the size of the community. Criteria are interpreted more liberally in Northern Saskatchewan than in Southern Saskatchewan.

Income and Asset Guidelines<sup>11</sup>

<b>Family Size</b>	<b>Net Annual Income Max (\$)</b>	<b>Assets Test Max amount claimant can have (\$)</b>
Single	9,420	< 1,500
Couple without children	11,400	3,000
Family with one child	12,300	3,500
Family with two children	15,000	3,500
Family with three children	17,700	3,500
Family with four children	20,400	3,500
Family with five children	23,100	3,500
Family with six children	25,800	3,500
Family with seven children	27,900	3,500
Family with eight children	30,420	3,500

*Expanded Eligibility through Contributions*

This is not available under the Saskatchewan plan.

*Income Definition*

The Saskatchewan Legal Aid Commission uses an applicant’s net monthly or net yearly income when calculating financial eligibility. They follow a similar process to that used by Saskatchewan Social Services. The Canada Child Tax Benefit, the Saskatchewan Child Benefit and the Saskatchewan Employment Supplement are not included in the calculation of income.

*Family Definition*

The definition of family encompasses single-parent or two-parent families, and it includes children and dependents. The size of the family is critical in determining financial eligibility for legal aid.

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<sup>11</sup> Effective March 1998.



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### *Assets Test*

An applicant can keep a certain amount of liquid assets – such as \$1,500 for an individual, \$3,000 for a family of two, and so on. An applicant can also keep their home, personal property up to \$500, and wedding and family rings.

Applicants are not required to dispose of their principal place of residence nor any assets necessary to maintain their livelihood. If it is deemed necessary that an applicant must dispose of other assets, they should not take a loss greater than 20% of the pre-tax value of those assets.

### *Client Contributions*

If the applicant is not receiving social assistance, they may be asked to contribute to the costs of the legal services provided. However, the required contribution should not reduce the applicant's financial resources to a level where they would be eligible to receive social assistance.

### **Substantive Coverage**

Legal services are provided if the requested service falls within the range of services provided by the Saskatchewan Legal Aid Commission and if the matter has professional merit.

In criminal matters, coverage is provided to adults charged with federal indictable offences. In the case of summary convictions and provincial offences, coverage is provided only if there is a likelihood of imprisonment or a loss of livelihood. Advice and information may be provided to anyone about a wide range of matters if it involves no more than a brief interview or phone call.

### **Criminal Appeals**

Appeals initiated by the Crown are covered. Appeals initiated by the accused are covered only if the case has merit.

### **Duty Counsel**

Duty counsel services (docket court) are available to persons financially eligible for legal aid, usually through staff lawyers in many provincial courts by prior arrangement.

*R. v. Brydges* after-hours duty counsel services are provided by the Commission through a contract with a private lawyer, and staff lawyers provide the services during regular office hours.

### **Coverage and Eligibility Reviews**

An applicant who is denied legal aid services can register a complaint with the chief executive officer within 20 days following the decision of the area director to deny services or require payment.

## Application Fee

No application fee is required for legal aid services in Saskatchewan.

### Sources:

Saskatchewan Legal Aid Commission. *Annual Report 2000-2001*.

Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations*. Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB.

Personal communications with Laura Lacoursiere, Director of Administration, Saskatchewan Legal Aid Commission.

## Manitoba

Legal aid services have been available in Manitoba since the 1930s as a pro bono legal aid center.<sup>12</sup> By 1971, Manitoba had established a mixed judicare-staff system of legal aid. The Legal Aid Services Society of Manitoba was created in 1972, and it is the organization responsible for administering legal aid services in the province.

Legal Aid Manitoba exists to help people – individuals and groups – who need a lawyer but cannot afford to pay for one.

## Financial Eligibility

Financial eligibility for legal aid is determined primarily through the use of financial guidelines and consideration of an applicant's assets and debts. However, if an applicant has any means or resources which would enable them to fund the legal action, the applicant may be deemed to be financially ineligible for legal aid. The income guidelines for eligibility are established using family income and family size.

Financial eligibility is defined by the Board of Directors and is not set out in the regulations of the *Legal Aid Act*. They are guidelines and as such, can be flexible.

An applicant who is on social assistance or in receipt of some form of income assistance (such as OAS or an income supplement) is considered to be eligible for legal aid without having to make a financial contribution towards their legal costs. If the applicant owns a home or property, legal aid may impose a charge on the land.

An applicant is eligible for legal aid in one of three ways. They may be eligible without having to pay anything if their income is at or below the “fully eligible” level. An applicant may be eligible with a “partial contribution,” whereby they are asked to pay a fixed part of the costs of the case (an agreement to pay). Alternatively, an applicant may be required to pay the full costs of the case along with a program fee (expanded eligibility).

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<sup>12</sup> Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations*. Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB, p. 44.



The Legal Aid Board of Manitoba has adopted the following guidelines, effective August 1, 2000:

### *Income Guidelines*

Family Size	Gross Income		
	Fully Eligible	Eligible - Partial Contribution	Eligible - Full Contribution
1	\$14,000	\$16,000	\$23,000
2	\$18,000	\$20,000	\$27,000
3	\$23,000	\$25,000	\$31,000
4	\$27,000	\$29,000	\$34,000
5	\$31,000	\$33,000	\$37,000
6	\$34,000	\$36,000	\$40,000
7+	\$37,000	\$39,000	\$43,000

### *Expanded Eligibility through Contributions*

Persons making more than the guidelines may still be eligible for legal aid. The plan takes into consideration other factors, including the following:

- ✓ whether or not the applicant can retain counsel without having to dispose of their principal place of residence;
- ✓ whether or not the applicant can retain counsel without having to dispose of assets necessary to maintain their livelihood;
- ✓ the applicant's assets and liabilities;
- ✓ the merit and quantum of the case;
- ✓ the cost of the proceeding;
- ✓ whether or not a reasonable person who had to pay a lawyer would spend the money to advance the case.

Applicants whose income exceeds the normal guidelines for a family of their size, but whose income does not exceed the next highest guideline, are eligible for a partial contribution. Applicants with an income that exceeds the guidelines for a partial contribution but is below the next highest level are eligible under the expanded eligibility program. In such a case, the applicant signs an agreement with the legal aid program to pay a certain amount in monthly instalments towards the costs of their legal services – usually between \$50 and \$100 per month.

Clients whose income slightly exceeds the regular eligibility guidelines may still be provided with legal services, but they must repay the entire cost to the plan. Under these “expanded eligibility” guidelines, the applicant is asked to repay the full amount that the legal aid program paid for the lawyer, plus a program fee of 25% of the legal aid costs of the case up to a maximum of \$250. The applicant must sign an expanded eligibility contract which sets out the amount of the monthly payments. The client benefits by receiving a reduced rate on the lawyer's services. This program is aimed primarily at the working poor.

There is discretion in determining the amount of a partial contribution and the rate of repayment. Area directors ensure that the assessed amounts are reasonable in the light of the applicant's

financial circumstances. They issue a certificate indicating that the person falls within the “Full Contribution Eligibility Category” under the current guidelines and that the person has agreed to pay the full costs of their legal aid services.

### *Family Definition*

The definition of family is based on family size.

### *Income Definition*

The guidelines use gross income which includes wages and salaries, tips, gratuities, bonuses, interest payments, annuities, pension income, rental income, and income from farming. Income excluded from eligibility calculations includes the child tax benefit, daycare and maintenance payments. Common-law relationships are treated as a family unit for the purposes of determining financial eligibility, for they are deemed to be parties living together as married in a relationship of some permanence, with an actual or reasonable expectation of some financial support or contribution.

### *Assets Test*

There are a series of definitions about when and which assets can be used. All types of assets are assessed. Overall, the Legal Aid Society can request that any assets be liquidated as long as it does not cause hardship to the family. This means that Legal Aid Manitoba assesses the applicant’s liabilities and expenses in the process.

Legal aid generally looks to the individual’s family unit first for resources, including assets, to cover the cost of counsel for the individual and the family unit. Under some circumstances, assets of the extended family will also be considered, for example in cases where there was on-going support from the extended family or the individual’s lifestyle is based on support from the extended family. An applicant’s home, property and assets are assessed, and depending on the amount of equity, Legal Aid Manitoba may ask the applicant to liquidate the assets to cover their legal costs. It all depends on how “modest” the asset is considered to be. For example, \$5,000 in liquid assets for an applicant on welfare is not considered to be modest, whereas an applicant’s equity in their home that falls below \$20,000 is considered to be modest.

### *Client Contributions*

Applicants who are eligible for legal aid under the “fully eligible” category may be asked to contribute to their legal costs. This is assessed on a case-by-case basis. Directions to pay are required by the regulations and are supposed to be imposed automatically on every certificate.

## **Substantive Coverage**

Applicants are granted legal aid if they are charged with an indictable offence and are financially eligible. If they are charged with a summary offence, applicants are provided with a lawyer only if there is a likelihood that they will go to jail or lose their job if convicted.



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## **Criminal Appeals**

Appeals by the Crown are covered only if the accused was eligible for legal aid coverage at the onset. Appeals by the accused are covered only if the accused has received a jail sentence and their case is considered to have merit.

## **Duty Counsel**

Duty counsel services are available for civil and criminal matters and in most courts, although not necessarily in all rural areas. Private bar lawyers also provide services in a number of remote Aboriginal communities.

Legal Aid Manitoba also provides full service duty counsel in immigration matters, in disciplinary court at penal institutions, in Child and Family Services Courts, and for poverty law. Full service duty counsel – also called expanded duty counsel – provide complete legal aid to clients, including negotiating a release or an appropriate plea bargain with the Crown based on a thorough review of the particulars with the client. The service is the same as if a certificate had been issued and may include remand to another date if necessary, beyond a regular sitting of duty counsel. It does not include representation at a trial or a preliminary hearing and does not permit substantial disbursements. If a matter has to be sent for a hearing, or if a disbursement in excess of \$125 is required, the client will have to apply to the area director for a certificate. The service covers criminal offences for which legal aid would not ordinarily issue a certificate and where a staff lawyer provides service on this basis.

## **Review of Coverage and Eligibility**

An applicant can appeal a refusal by an area director to the Executive Director. Refusals upheld by the Executive Director can be further appealed to the Board of Directors.

## **Application Fee**

Legal Aid charges a non-refundable application processing fee of \$25.00 with each Legal Aid application. The area director office does not accept an application without a fee. This is *in addition to* any agreement to pay or expanded eligibility contract that may be imposed. An applicant may be able to withdraw an application for a refund until the application is entered into the computer.

An applicant who has defaulted previously, must pay the application fee when applying, or the application will not be assessed.

An applicant for a certificate to appeal conviction and/or sentence will have to pay the \$25.00 application fee. The application fee will be chargeable for representation on disciplinary offences, but staff will be permitted to represent those on an expanded duty counsel basis.

The following applicants are exempted from paying the application fee:

1. Persons in receipt of municipal, provincial or band social assistance benefits.
2. Women applying from Women's Shelters.
3. Persons applying from Mental Health Facilities.
4. Adults in full-time attendance at a secondary or post-secondary institution and in receipt of student aid or student loans.

Sources:

Legal Aid Manitoba. [www.legalaid.mb.ca]

Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations*. Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB.

Personal communications with Gerry McNeilly and Ron Klassen, Legal Aid Manitoba.

## **Ontario**

The Ontario Legal Aid Plan was changed to Legal Aid Ontario (LAO) in 1999. The new organization is the provincial agency responsible for promoting access to justice for low-income Ontario residents. Legal Aid Ontario operates a mixed delivery system using both staff and private lawyers to deliver services.

It should be noted that Ontario also operates legal clinics. They operate under different regulations and their eligibility criteria and coverage are also different. Community legal clinics were first established in the early 1970s to provide legal services and public legal information and community development for low-income and disadvantaged people. Clinics address the unique legal needs of low-income people who need help with the essentials of life, such as subsistence income and safe housing, and access to the most basic social services, such as education for children. Clinics do not normally provide criminal and family law services. These are available through private lawyers acting on Legal Aid Ontario certificates.

### **Financial Eligibility**

Legal aid financial eligibility levels in Ontario are set by provincial regulation. Historically the eligibility levels have been tied to provincial social service benefit levels. The financial eligibility levels were last changed in 1995, the last time changes were made to provincial social service benefit rates. Financial eligibility is determined through a "needs test." It takes into account income but also considers the expenses and liabilities of the applicants. Non-contributory legal aid is available on the basis of an assessment of maximum allowances, including a basic allowance and allowances for debts and shelter. Applicants can receive free legal aid if they do not exceed the allowances. There is an "income waiver" element of the eligibility determination process that "fast tracks" applicants who have very low incomes through the assessment of assets. The income waiver is not an income cut-off but rather a tool or a measure to determine the need for a more detailed assessment. Most social assistance recipients are automatically eligible for free legal aid (with the provision they do not exceed the assets test).





*Income Waiver Levels*

Family size	Maximum net monthly amount
1	\$601
2	\$1,075
3	\$1,137
4+	\$1,281

Applicants with incomes above the waiver levels by family size undergo an assessment in which income and expenses are considered. LAO takes into account monthly expenses which are necessary for the household. The basics and shelter allowance are derived from the Family Benefits Rates and are approximately 1.5 times Family Benefits. These include:

**Basic Allowance** – Covers food, clothing, transportation, telephone, cable TV and personal expenses.

**Shelter Allowance** - Actual shelter expenses up to the maximum standard allowance per family size are also allowed.

**Debt Allowance** - All applicants are allowed actual debt expenses up to the maximum standard per family size. However, debts which are not being paid are not included as monthly expenses.

<b>Basic Allowance</b>		
Family Size	\$/Month	\$/Year
1	427	5,124
2	830	9,960
3	1,014	12,168
4	1,218	14,616
5+	1,423	17,076
<b>Shelter Allowance</b>		
Family Size	\$/Month	\$/Year
1	487	5,844
2	766	9,192
3	831	9,972
4	903	10,836
5+	974	11,688
<b>Debt Allowance</b>		
Family Size	\$/Month	\$/Year
1	175	2,100
2	225	2,700
3	275	3,300
4	325	3,900
5+	375	4,500

### *Expanded Eligibility through Contributions and Allowance for Extraordinary Expenses*

LAO can provide legal aid to applicants who are above the various income and asset measures. They would then require a contribution. This is determined on a case-by-case basis. LAO can allow amounts for unavoidable but necessary expenses such as prescriptions, medical supplies and costs associated with exercising access to legal aid.

### *Income Definition*

Net monthly income is calculated by taking gross monthly income and deducting the following:

- ✓ Non-voluntary wage deductions (CPP, EI, taxes)
- ✓ Day care costs up to a maximum for unlicensed care
- ✓ Support paid (court order/separation agreement)

### *Family Definition*

The size of the family unit determines who is to be assessed as part of the client's application for legal aid. All allowances are measured in terms of family size.

It is important to note that Legal Aid can also take into account someone associated with the applicant who is not a member of the family but who can be considered another source for legal fees. This is, however, at the discretion of the area director. This can include people who contribute to the needs of the applicant, for example, a roommate on a lease.

### *Assets Test*

All liquid assets are considered when assessing eligibility. These include cash, bank accounts, investments, RRSPs. The allowable amount for liquid assets is:

<b>Family size</b>	<b>Exempt amount</b>
1	\$1,000
2	\$1,500
3	\$2,000

An amount over this limit is considered to be available for legal fees. Other assets which can be sold or easily converted into cash may also be identified as liquid assets. While an applicant may own a house and still receive legal aid, the LAO may take a lien against their property.

If the assets are equal to the estimated cost of the legal fees, the applicant is refused any form of legal aid. If the assets are less than the estimated cost of legal aid, the client will be offered legal aid but will be required to make a contribution determined on the basis of ability to pay.



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### *Client Contributions*

In conjunction with the financial eligibility test, there is a payment agreement policy that outlines the contribution which will be required based on the recommendation of the application/assessment officer. In extraordinary circumstances, the area director has the discretion to vary from the following policies:

- ✓ half of the monthly disposable income should be taken as a monthly contribution;
- ✓ if the disposable income is under \$50, contribution should be waived;
- ✓ if the disposable income is over \$300, the application should be refused;
- ✓ if the disposable income is sufficient to repay the estimated legal fees in 6 months the applicant should be refused;
- ✓ 100% of liquid assets over any applicable exemption level should be sought as a lump sum contribution;
- ✓ if the excess liquid assets are equal to or greater than the estimated amount of legal fees, the application should be refused;
- ✓ property owners will be refused legal aid unless private financing is not available and then a lien is required as a condition of obtaining assistance.

### **Substantive Coverage**

Coverage restrictions have been revised over the last several years. They have been changed several times as a result of budget and human resource constraints. Certificates are now issued **only** if there is a probability of going to jail if convicted. Certificates are no longer issued when a person may lose their job or means of earning a living as a result of a conviction. The new area added to the LAO's coverage restrictions states that applicants charged with less serious offences, where there is no probability of going to jail may be able to get help in the courtroom from duty counsel.

There are now explicit factors that guide the LAO in making coverage decisions. Systemic factors (type of offence, judicial practices in sentencing and Crown practices in prosecuting) and personal factors (mental competency of the applicant, whether or not they have been refused bail, or some disability that diminishes their capacity to be treated fairly) are taken into consideration before determining whether an applicant should be refused on the basis of coverage restrictions.

### **Criminal Appeals**

Criminal appeals are covered only if the appeal has merit, is reasonable, and has a strong probability of success. Crown appeals are also covered. The probability of incarceration test is also applied on criminal appeals.

## **Duty Counsel**

Full service duty counsel services are available to clients who meet a simplified income and assets test. This is an attempt to ensure that only those who cannot afford a lawyer receive help from either duty counsel or from an advice lawyer (available for a few hours a week and provides free advice). People in custody and young offenders are excluded from testing.

LAO has found that duty counsel use continues to increase as more people appear in court without a lawyer to represent them.

## **Review of Financial Eligibility and Coverage**

Any decision regarding contributions and any refusal of an application may be appealed.

## **Administration Fees**

There are no administration fees.

### Sources:

Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations*. Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB.

Legal Aid Ontario, *Financial Eligibility Synopsis*. March 2000.

Legal Aid Ontario. *Guide to Legal Aid Certificate Coverage*. August 2001.

Legal Aid Ontario. *Annual Report 1998*.

*The Legal Aid Act, R.S.O. 1990, Chapter L9*.

*Legal Aid Services Act, 1998*.

*Ontario Regulations 106/99 (1999)*.

Personal communication with Leslie Byfield, Legal Aid Ontario.

## **Quebec**

The *Legal Aid Act* in Quebec was passed in 1972. It established the Legal Services Commission and defined coverage extending to both criminal and civil law. In 1996, the system underwent major reform. The financial eligibility criteria limits were raised and new legislation allowed for eligibility for contributory legal aid. The legislation also made changes to coverage. The Quebec system remains a mixed system of judicare and staff legal aid. Applications for legal aid are received and processed at local centres and legal aid office locations across Quebec.

## **Financial Eligibility**

Legal aid may be free or contributory. In the latter case, the amount depends on the amount of family income and the cost of the service. Financial eligibility is determined by considering the applicant's income, family size and type, property and liquid assets.



To obtain free legal aid, the applicant and the members of the applicant's family cannot exceed any of the following income scales:

Family Size	Annual Income Schedule
Single person	\$8,870
Adult + 1 child	\$12,500
Adult + 2 children or more	\$15,000
Spouses without children	\$12,500
Spouses + 1 child	\$15,000
Spouses + 2 children or more	\$17,500

For certain remote regions, the amounts listed in the above table are increased by 20%.

Applicants can still receive legal aid if they exceed one of the three scales used for granting free legal aid (income, property, liquidities). They would be eligible for legal aid through a contribution, ranging from \$100 to \$800 (but not exceeding the cost of the legal services provided). But they cannot exceed the following maximum limits:

Classes of Applicants	Maximum Annual Level (\$)
Single Person	12,640
In the case of an applicant whose family is composed of:	
- an adult and 1 child	17,813
- an adult and 2+ children	21,375
- spouse without children	17,813
- spouses with 1 child	21,375
- spouse with 2+ children	24,938

### *Expanded Eligibility through Contribution*

When the applicant's financial status and that of his family exceeds one of the three ceilings set for gratuitous legal aid (income, property and liquid assets), the applicant may still be eligible for legal aid provided he contributes to the cost. A \$50 fee is charged to start the process. It is subtracted from the amount owing.

First, the legal aid office determines which category the applicant belongs to – for example, single person, spouses with one child – to identify which level should be used in determining eligibility for gratuitous legal aid. Secondly, the following amounts are added to the asset schedule:

- 100% of income in excess;
- 10% of properties in excess;
- 100% of liquidities in excess.

The total amount is the *reputed income* used to determine if the applicant is eligible for legal aid with the payment of a contribution.

### *Table of Contribution Levels*

The contribution is set based on the reputed income, in increments of \$100, up to a maximum of \$800. However, take note that the contribution cannot exceed the amount corresponding to the cost of legal aid for the services required.

In order to better illustrate how this actually works, the Commission des services juridiques has provided examples. The following fictitious example is taken from *Legal Aid Ongoing Expertise... Gratuitous or At Little Cost*.<sup>13</sup> The tables used to do the calculations follow.

Nancy, a battered woman and the mother of one child, is accused of murdering her ex-husband. Nancy works as a nursing assistant in a hospital, at an annual salary of \$14,400. She owns no property and has no savings. However, Nancy must pay day care expenses for her six-year-old son; they total \$1,250 per year.

To determine Nancy's financial eligibility and contribution, it is necessary to calculate the reputed income. Remember that the law permits the deduction, in the income calculation, of certain amounts, including day care expenses.

- Income determination (\$14,400 - \$1,250) \$13,150;
- Adult + one child level (gratuitous aid) \$12,500;
- 100% of income in excess (\$13,150 - \$12,500) \$650;
- 10% of properties in excess \$0;
- 100% of liquidities in excess \$0.

Reputed income: \$13,150

Referring to the previous table, Nancy's maximum contribution totals \$100. If the cost of the service totals \$500, to obtain her certificate of eligibility, Nancy must pay \$50 in addition to the \$50 administrative expenses already paid.

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<sup>13</sup> Commission des services juridiques. *Legal Aid Ongoing Expertise... Gratuitous or at Little Cost*. Montreal: Service des communications, February 2001.



<b>Class of Applications</b>	<b>Reputed Income</b>	<b>Contribution Level</b>
Single person	from \$8,871 to \$9,341	\$100
	from \$9,342 to \$9,812	\$200
	from \$9,813 to \$10,284	\$300
	from \$10,285 to \$10,755	\$400
	from \$10,756 to \$11,226	\$500
	from \$11,227 to \$11,697	\$600
	from \$11,698 to \$12,169	\$700
	from \$12,170 to \$12,640	\$800

<b>Class of Applications</b>	<b>Reputed Income</b>	<b>Contribution Level</b>
Family composed of one adult and one child	from \$12,501 to \$13,164	\$100
	from \$13,165 to \$13,828	\$200
	from \$13,829 to \$14,492	\$300
	from \$14,493 to \$15,156	\$400
	from \$15,157 to \$15,820	\$500
	from \$15,821 to \$16,484	\$600
	from \$16,485 to \$17,148	\$700
	from \$17,149 to \$17,813	\$800

Family composed of one adult and 2 children or more	from \$15,001 to \$15,797	\$100
	from \$15,798 to \$16,594	\$200
	from \$16,595 to \$17,391	\$300
	from \$17,392 to \$18,188	\$400
	from \$18,189 to \$18,984	\$500
	from \$18,985 to \$19,781	\$600
	from \$19,782 to \$20,578	\$700
	from \$20,579 to \$21,375	\$800

Family composed of spouses without children	from \$12,501 to \$13,164	\$100
	from \$13,165 to \$13,828	\$200
	from \$13,829 to \$14,492	\$300
	from \$14,493 to \$15,156	\$400
	from \$15,157 to \$15,820	\$500
	from \$15,821 to \$16,484	\$600
	from \$16,485 to \$17,148	\$700
	from \$17,149 to \$17,813	\$800

Family composed of spouses with one child	from \$15,001 to \$15,797	\$100
	from \$15,798 to \$16,594	\$200
	from \$16,595 to \$17,391	\$300
	from \$17,392 to \$18,188	\$400
	from \$18,189 to \$18,984	\$500
	from \$18,985 to \$19,781	\$600
	from \$19,782 to \$20,578	\$700
	from \$20,579 to \$21,375	\$800

<b>Class of Applications</b>	<b>Reputed Income</b>	<b>Contribution Level</b>
Family composed of spouses with 2 children or more	from \$17,501 to \$18,430	\$100
	from \$18,431 to \$19,359	\$200
	from \$19,360 to \$20,289	\$300
	from \$20,290 to \$21,219	\$400
	from \$21,220 to \$22,148	\$500
	from \$22,149 to \$23,078	\$600
	from \$23,079 to \$24,008	\$700
	from \$24,009 to \$24,938	\$800

Note: For certain remote regions, the amounts listed under the "reputed income" column are increased by 20%.

### *Income Definition*

Quebec uses gross income in its assessments. Income, gains and benefits from all sources are considered, except:

- ✓ child tax benefits received under the *Income Tax Act*;
- ✓ amounts received under the *Children's Special Allowances Act*;
- ✓ family assistance allowances;
- ✓ principal or interest received as a refund of real estate taxes, a tax credit for the goods and services tax;
- ✓ a tax credit for the Quebec sales tax;
- ✓ a tax credit for persons who take care of their elderly parents;
- ✓ benefits paid under the Parental Wage Assistance Program;
- ✓ amounts received under programs made under the *Act respecting the Société d'habitation du Québec*; and
- ✓ student bursaries, which shall be included in the income.

It is important to keep in mind that the income taken into consideration is, in principle, the income for the year preceding the application (January 1 to December 31). The estimated income for the current year is taken into consideration if it differs from the income for the previous year to the extent of affecting financial eligibility or affecting the amount of the applicant's contribution.

### *Family Definition*

Quebec uses family type and distinguishes between one and two-parent families, but it consolidates the number of children into a “2+” category.

### *Assets Test*

Quebec has two scales, one for property and one for liquid assets. For an applicant to receive free legal aid, they must be at or below the financial guidelines or the asset guidelines. There is, however, a flexible assets test for those who are eligible through contributions. Please see the financial eligibility with contribution section above for the calculation.

<b>Property Schedule</b>	
Applicant or spouse owner of the residence	\$90,000
Applicant or spouse not owner of the residence	\$47,500
<b>Liquid Assets Schedule</b>	
Single person	\$2,500
Family	\$5,000





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### *Client Contributions*

No, not if below the first set of guidelines.

### **Substantive Coverage**

Legal aid is *granted* for the legal services specifically set out in the Act. For example, legal aid is granted for family matters, youth protection, the representation of young offenders, the prosecution of a criminal act, benefit claims related to income support or employment assistance, automobile insurance, unemployment insurance and workman's compensation.

Legal aid is *sometimes granted* for summary offences or certain administrative and civil recourses. The study of the file must lead the legal aid office to believe that it is necessary to provide the legal service requested.

For summary offences, these criteria are:

- ✓ the probability of imprisonment for the accused;
- ✓ the loss of his means of subsistence; or,
- ✓ the best interest of justice given the exceptional circumstances involved in the case, notably its gravity or its complexity.

### **Criminal Appeals**

Appeals by the Crown are covered. Appeals by the applicant are evaluated on a case-by-case basis.

### **Duty Counsel**

Duty counsel services are provided as a right, by staff lawyers, in all criminal, administrative and family court locations. In criminal matters or penal matters, the Commission des services juridiques offers a telephone consulting service, available at all times and making it possible for any individual to secure, free of charge, the assistance of a lawyer at the time of arrest or detention.

### **Review of Coverage and Eligibility**

Decisions made by general managers regarding the granting of legal aid may be appealed within 30 days to a Review Committee.

### **Administrative Fee**

A \$50 administration fee is charged to any person eligible for contributory legal aid in order to obtain a certificate of eligibility. But, it is considered in the calculation of the contribution.

A person who is denied legal aid may still be entitled to legal aid services if the general manager feels that the denial would be a serious injustice or would cause the person serious harm.

Sources:

Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations*. Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB.

Commission des services juridiques. *Legal Aid Ongoing Expertise... Gratuitous or At Little Cost*. Montreal: Service des communications, Commission des services juridiques, February 2001.

Commission des services juridiques. *29<sup>e</sup> rapport annuel, 31 mars 2001*. [www.csj.qc.ca]

## **New Brunswick**

The Legal Aid plan in New Brunswick was created in 1971 and criminal legal services began to be offered by 1972. The *Legal Aid Act* (1971) and subsequent regulations define the details of the plan. Legal Aid New Brunswick delivers its criminal legal aid services through a judicare system of delivery.

### **Financial Eligibility**

Unlike the other provinces, New Brunswick does not have financial eligibility criteria. The regulations state that the “ability of a person to pay no part, some part or the whole of the cost of the legal aid, if applied for, shall be determined with reference to the assets, liabilities, income and expenses of the applicant, the applicant’s spouse and dependants.”

Applicants must submit an application form. The final decision is based on the application and includes an examination of income, assets, liabilities and the merits of the case. It is determined on a *case-by-case basis*.

Other factors that are taken into consideration include:

- ✓ the total amount of legal aid the applicant has received from the plan;
- ✓ the complexity of the case;
- ✓ the urgency of the matter;
- ✓ whether the interests of the applicant are best served by legal aid;
- ✓ whether the applicant is on social assistance.

### *Expanded Eligibility through Contribution*

No.

### *Income Definition*

Gross income excluding the Child Tax Benefit.



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### *Family Definition*

Family size.

### *Client Contributions*

In determining whether an applicant should contribute to the costs of the legal aid, the applicant must have available for contribution, “a sum equal to the monthly amount of disposable income available, multiplied by eighteen, or the annual amount of disposable income available multiplied by one and one half.”

### *Assets Test*

There is no clearly defined assets test. Again, this is determined on a case-by-case basis. Assets are considered only if, in the opinion of the area director, the value exceeds the needs of the applicant and his/her family.

### **Substantive Coverage**

The plan covers all indictable offences – adults and youth charged with federal offences and have a probability of jail time if convicted are covered – and some summary offences – most criminal matter applications which are refused by the plan involve a summary conviction with a low probability of jail if convicted.

The *Legal Aid Act* specifies that certificates shall be issued only where:

- ✓ imprisonment or loss of livelihood is likely upon conviction;
- ✓ circumstances mitigate the severity of the penalty that may be imposed;
- ✓ extraordinary circumstances dictate that it is in the interest of justice.

The *Legal Aid Act* allows for the area director to refuse to provide a certificate by reason that the applicant has been convicted of a similar offence in the past.

### **Criminal Appeals**

Appeals brought forward by the accused must have merit, be reasonable and have a strong probability of success before they are granted. Appeals are also covered in response to Crown initiated appeals. The same rules apply for youth.

### **Duty Counsel**

Duty counsel services are provided in all criminal courts. The accused person is given advice on the charge, procedures and options available. The duty counsel officer does not normally represent the person at trial but can help the person ask for an adjournment or offer a plea. In cases which are not complex, the duty counsel provides full service, bringing the case to completion.

## Coverage and Eligibility Reviews

An applicant that is refused legal aid coverage can appeal the decision to the area committee.

### Administration Fees

There are no fees.

#### Sources:

Law Society of New Brunswick Legal Aid. [[www.lawsociety.nb.ca/legalaid-e.html](http://www.lawsociety.nb.ca/legalaid-e.html)]

Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations*. Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB.

Personal communication with Barb Wilcox, Legal Aid New Brunswick.

## Nova Scotia

The *Legal Aid Act* (1977) specifies the composition and powers of the Legal Aid Commission. The Commission is responsible for all matters relative to legal aid in the province. The Act outlines legal aid coverage, form and content of applications. The Commission operates a staff model delivery system with the private bar being retained on the basis of a certificate to provide legal services to clients in situations of conflict or criminal choice of counsel.

### Financial Eligibility

The Legal Aid Commission may provide a lawyer to someone who could not otherwise afford one. To be eligible for the service in Nova Scotia, an applicant must be receiving Social Assistance Benefits or be in an equivalent financial position. The criteria constitutes a needs test based on family income, expenses, debt load and assets. For most applicants, monthly income alone determines eligibility.

An applicant can receive legal aid when the Commission determines that the claim has merit and the applicant:

- (a) receives all or part of his/her income from municipal or provincial social assistance;
- (b) when he or she has an income equal to or less than that which would be received under provincial social assistance, or;
- (c) when receiving legal services outside the plan would reduce the applicant's income to a point where he or she would become eligible for social assistance. This is an exception. This occurs only when it is court ordered and the province will contract Legal Aid to either engage a private lawyer or a staff lawyer.



Other things that are considered include:

- ✓ urgency of the situation;
- ✓ nature of service applied for;
- ✓ merits and quantum of the claim;
- ✓ cost of proceeding.

The needs test applies to both adults and youth. Income is the primary factor in eligibility. But, applying the income cut-offs involves considerable discretion – they are simply guidelines.

Income Guidelines<sup>14</sup>

<b>Family Size</b>	<b>Gross Monthly Income (\$)</b>
One adult	1067
and 1 dependent	1416
and 2 dependents	1700
and 3 dependents	1924
and 4 dependents	2148
and 5 dependents	2372
and 6 dependents	2596
and 7 dependents	2820
Two adults	1424
and 1 dependent	1708
and 2 dependents	1932
and 3 dependents	2156
and 4 dependents	2380
and 5 dependents	2604
and 6 dependents	2828
and 7 dependents	3052

\*\* Child Tax Credit is not counted in Income.  
\*\* Maximum allowance for transportation is \$18.

### *Expanded Eligibility through Contributions*

No. When the income of the applicant exceeds the amounts specified, they cannot bridge the gap through contributions unless the province is willing to pay the cost. The Appeals Committee may also provide a certificate and set up a “repayment agreement,” if they feel the applicant cannot retain counsel without undue financial hardship, such as incurring financial indebtedness or having to dispose of necessary assets.

<sup>14</sup> Effective since March 1998.

### *Income Definition*

Gross monthly income. The Child Tax Benefit is not included in the income calculation.

### *Family Definition*

The plan is based on family type. The plan also considers the income and expenses of the applicant's spouse. For this purpose, a spouse is defined as a person who is living with the applicant and is contributing financially to the household. A dependent can be any of the following – spouse, child, or any other person supported by the applicant.

### *Client Contributions*

When the Legal Aid Commission determines that the applicant can pay some part of the cost of legal aid applied for, the Commission can enter into a written agreement with the applicant.

### *Assets Test*

There is an assets test but it is done on a case-by-case basis. There are no set cut-offs. If the applicant has any assets, they can be asked to liquidate them. But, the applicants do not have to dispose of:

- ✓ their principal place of residence; or
- ✓ assets necessary to maintain livelihood.

## **Substantive Coverage**

There is broad coverage over most matters. Criminal matters take the highest priority. Adults and youth charged with federal indictable offences are covered. Summary conviction offences are *only* covered if there is a likelihood of imprisonment. No provincial offences are covered. Summary advice is provided for those summary conviction offences that do not lead to jail time.

There have been major budget cutbacks and coverage is an area that has suffered according to Nova Scotia Legal Aid. An example of a summary case not covered – a drinking and driving case that will lead to a fine will not be covered. A drinking and driving offence causing bodily harm that will lead to a jail sentence is covered.

## **Criminal Appeals**

Appeals are covered in criminal cases for both adults and youth.

## **Duty Counsel**

Nova Scotia does not have a formal duty counsel service. There is an informal service providing summary services.



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### *Business Hours Duty Counsel*

A pilot project was implemented in August 2000 whereby a central telephone number was provided so that individuals who are arrested or detained during business hours can access telephone duty counsel by having their call placed to one location in the Halifax North Office. Support staff then locate an available lawyer in one of the 13 offices to take the call. The process was designed to alleviate situations of delay where police had to call a number of different Legal Aid offices to locate an available lawyer to advise the person in detention. This often takes place in the smaller offices.

### **Review of Coverage and Eligibility**

Applicants have a right to appeal any decision by the Commission. The Standing Committee deals with appeals of refusal or withdrawal of legal aid. The Standing Committee has the right to create contribution agreements if they feel that the applicant could not access a lawyer without causing undue hardship.

### **Administration Fee**

None.

Sources: Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations*. Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB.

Nova Scotia. *Legal Aid Act*, Amend 1999. Chapter 252 of the Revised statutes 1989.

Personal communication with David Slaunwhite, Administrator, Nova Scotia Legal Aid.

## **Prince Edward Island**

Prince Edward Island does not have specific legal aid legislation. The scope of services is determined by government policy not legislation. Prince Edward Island operates a judicare system of legal aid (for the most part, services are offered by staff).

The objective of criminal legal aid is to promote access to legal representation in the criminal trial process. Under the program, lawyers are available to persons who would otherwise be unable to afford legal representation in serious criminal matters. As a minimum, legal aid will be provided in situations where a court applying the *Canadian Charter of Rights and Freedoms* would consider the assistance of counsel to be essential for a fair trial.

### ***Financial Eligibility***

Eligibility is determined through a flexible means test. Income is the primary factor but there are no fixed income cut-offs. Applicants receiving social assistance are financially eligible for legal aid, subject to the merit of the case. Applicants may also be considered eligible if they are without funds and require immediate legal assistance to preserve their rights or they cannot pay for a lawyer without impairing their ability to keep themselves and any dependents fed, clothed,

sheltered and living as a family. An applicant's assets, liabilities and the complexity of the case, urgency of situation, cost of proceeding and whether a reasonable person will spend money to advance the case will be considered. Applicants are expected to use all ordinary means of retaining a lawyer privately before applying for legal aid.

The eligibility test is conducted by staff lawyers who must weigh the seriousness of the legal proceedings and then consider whether the applicant's present means should be sufficient to actually obtain private counsel within the time required.

#### Income Guidelines<sup>15</sup>

	<b>Gross Yearly Income (\$)</b>
Single Person	14,176
Family of two	17,720
Family of three	22,037
Family of four	26,677

The income scale was increased, in July 2001, to meet the 1999 before-tax income cut-offs published by Statistics Canada. This new guideline increased the eligibility level for a single person with no dependents from \$13,572 to \$14,176 (an increase of \$604).<sup>16</sup> In applying these guidelines, the applicant's assets, liabilities, the complexity of the legal matter, the urgency of the situation, the cost of the proceeding and whether a reasonable person who had to pay for a lawyer would spend the money to advance the case will be considered.

The guidelines are very flexible. It is important to note that the means testing is done by the lawyer who would be working on the file. In practice, according to Prince Edward Island Legal Aid, they operate above the scale, that is, in favor of the applicant.

#### *Expanded Eligibility through Contributions*

No.

#### *Income Definition*

Gross annual income. The income of the applicant's spouse is also taken into account.

#### *Family Definition*

Family size.

#### *Client Contributions*

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<sup>15</sup> Guidelines effective in 2001.

<sup>16</sup> Prince Edward Island Legal Aid has based these guidelines on Statistics Canada's 1999 low income cut-offs (before-tax). They have chosen the LICO figures for a community that ranges between 30,000 to 99,999 in population.





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Applicants are expected to use all ordinary means of retaining a lawyer privately before applying for legal aid. Applicants may be required to contribute to the cost of legal services dependent upon their *ability to pay*.

### **Substantive Coverage**

All federal indictable and summary criminal matters are covered. The likelihood of imprisonment test is *not* applied to deny coverage but it *may* be used on a discretionary basis to limit services to minor matters.

### **Criminal Appeals**

Appeals by the Crown are covered in criminal matters for both youth and adults. The case must have merit or else appeals by the accused are not covered.

### **Duty Counsel**

Staff lawyers are available at legal aid offices during business hours to provide legal advice and assistance in criminal matters to applicants who may be financially eligible for legal aid. Staff lawyers are not under a contractual obligation to provide assurance of immediate access to counsel after hours.

Where legal aid is requested by persons who are arrested or detained after hours in respect of a matter that may be covered by the federal-provincial cost-sharing agreement, it is assumed that the police will take extra measures to facilitate access with either a staff lawyer or duty counsel depending on the seriousness of the crime. There is no Brydges duty counsel.

### **Administration Fees**

There are no user fees.

#### **Sources:**

Prince Edward Island. Association of Legal Aid Plans of Canada. *Report from the Province of Prince Edward Island*, August 2001.

Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations*. Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB.

Personal communication with Kent Brown, Senior Counsel and Doreen Craswell, Legal Aid Prince Edward Island.

## **Newfoundland and Labrador**

The legal aid plan has operated in Newfoundland and Labrador since 1968, although there was no legislation in force. The *Legal Aid Act* (1975) established the Legal Aid Commission as the body responsible for Legal Aid services. The Act sets out general provisions for coverage, eligibility procedures, applications and their grounds for refusal.

The area directors (appointed by the Commission) determine if and how much applicants can afford to contribute to the cost of their legal aid. They issue certificates for the provision of legal services by either staff lawyers or lawyers in private practice.

### **Financial Eligibility**

The Act does not prescribe cut-offs, general financial guidelines are outlined in the Regulations. These guidelines, including those related to the contribution to the cost of the service, are *flexible*. Those receiving social assistance automatically qualify for legal aid. They also qualify if they cannot pay for a lawyer without having to dispose of any assets necessary to maintain their livelihood or without impairing their ability to keep themselves and their dependents fed, clothed, sheltered and living as a family, or they are without funds and require immediate legal assistance to preserve their rights.

Eligibility can also be based on:

- ✓ complexity of the legal issue;
- ✓ urgency of the matter;
- ✓ nature of the service applied for;
- ✓ if it is in the best interest of the applicant;
- ✓ merits of the case;
- ✓ cost of the proceeding.

These guidelines are considered to be minimum living expenses under what is termed a “basic living allowance.” These expenses include the costs for food, clothing household supplies and personal requirements. But, other expenses also taken into consideration are:

- ✓ a reasonable amount for shelter, insurance and maintenance costs;
- ✓ utilities;
- ✓ transportation expenses;
- ✓ medical costs;
- ✓ life insurance premiums;
- ✓ debts.



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## Income Guidelines<sup>17</sup>

<b>Family Size</b>	<b>Net Monthly Income (\$) **</b>	<b>Net Yearly Income (\$)</b>
One adult	393	4,716
and 1 dependent	484	5,808
and 2 dependents	527	6,324
and 3 dependents	567	6,804
and 4 dependents	608	7,296
and 5 dependents	653	7,836
and 6 dependents	697	8,364
Two adults	541	6,492
and 1 dependent	580	6,960
and 2 dependents	618	7,416
and 3 dependents	660	7,920
and 4 dependents	697	8,364
and 5 dependents	751	9,012
and 6 dependents	807	9,684
	863	10,356

\*\* Net monthly income: Gross income less CPP, UI, Income Tax, Group Insurance and Pension.

### *Expanded Eligibility through Contribution*

No.

### *Income Definition*

Newfoundland and Labrador uses net yearly income defined as gross income less CPP, UI (EI), income tax and group insurance and pension. In essence, they are examining “take home” pay.

### *Family Definition*

Family type and size. The term “dependents” can imply children or any other person that the applicant supports.

### *Assets Test*

The assets test is conducted on a case-by-case basis, and it includes anything that can be readily converted into cash. It does not include real property, a mortgage or the cash value of a life insurance policy. But, it does include assets that are not considered “modest.”

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<sup>17</sup> These have been effective since 1999, but please note that they are in the process of reviewing their guidelines.

### *Client Contribution*

They do not have a fixed amount that the applicant must contribute; rather, it is dealt with on a case-by-case basis. It is left to the area director to determine whether an applicant can pay part of the cost of legal aid applied for. If the applicant cannot pay at the onset of the case, there is a written agreement for payment drawn up before the certificate is issued.

### **Substantive Coverage**

Legal Aid provides representation to all financially eligible persons charged with federal indictable offences. Adults charged with summary conviction offences under federal legislation are covered if the conviction is likely to result in a jail term or loss of means of livelihood. Limited coverage is provided for provincial offences.

The area director cannot authorize legal aid in respect to a *summary conviction offence* unless he or she is of the opinion that:

- ✓ there is a possible defence to the charge;
- ✓ there is a likelihood of imprisonment or loss of livelihood;
- ✓ there are circumstances that would serve to mitigate the severity of the penalty that may be imposed;
- ✓ because of the extraordinary circumstance, it is in the best interest of the applicant to be represented by counsel.

### **Criminal Appeals**

Appeals in criminal charges are covered if the case has merit or the Crown requests one. Appeals on youth matters are covered under the same conditions as for adults.

### **Review of Coverage and Eligibility**

An applicant refused legal aid can appeal to the Provincial Director and then to an appeal board. The applicant has 14 days from the time he or she receives the notification.

### **Duty Counsel**

Duty counsel services are available in most of the criminal and youth courts. The individual does not have to be financially eligible to receive services from a duty counsel officer. The individual has a right to be advised of his/her rights and duty counsel may also represent the person if asking for an adjournment or for entering a guilty plea. The duty counsel may also assist during sentencing.



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## Administration Fee

There are no fees.

### Sources:

Canadian Centre for Justice Statistics. *Legal Aid in Canada: Description of Operations*. Ottawa: Statistics Canada, March 1999. Cat. No. 85-217-XIB.

*Legal Aid Act. Chapter L-11. Amend, 1997.*

*Consolidated Newfoundland Regulation 1010/96: Legal Aid Regulations under the Legal Aid Act.*

Personal communication with the Newman Petten, Area Director.

Most jurisdictions go through a similar process of screening clients. There is both a substantive and a financial test that applicants must undergo. The substantive test examines whether a particular case is covered by the legal aid plan. If the case is not covered, the application is denied. The second test is based on financial need. The legal aid plans have established financial eligibility criteria based primarily on income, assets and family size or type. Applicants must meet these criteria in order to receive legal aid. The next two sections focus on restrictions in legal aid coverage and the financial eligibility criteria in each jurisdiction.



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## Section 2

# Coverage Restrictions

When examining criminal coverage, we are essentially looking at two areas: indictable offences and summary conviction offences. Indictable offences are the more serious of the two categories with some offences carrying a maximum life sentence. Summary convictions are lesser offences that may result in a maximum of two years in prison and/or a \$2,000 fine. There are also hybrid offences, whereby the Crown chooses whether the case is to be proceeded as an indictable offence or a summary conviction.

Table 1 provides a summary of substantive coverage by provincial legal aid plans. Indictable offences are the serious cases that the legal aid plans prioritize. Some indictable offences have prescribed minimum sentences and often carry a maximum sentence of five years. Indictable offences are typically covered by all the jurisdictions; however, Ontario and British Columbia have placed *limitations* on the indictable offences they cover. Ontario covers cases only if there is a probability of the individual going to jail, whereas British Columbia covers cases where there is a possibility of “going to jail, losing one’s means of earning a livelihood, or being deported.”

Generally, summary conviction offences are *only* covered if there is a likelihood of imprisonment or a loss of the ability to earn a livelihood if convicted. Summary conviction offences in Nova Scotia, Ontario, Newfoundland and Labrador and New Brunswick are now covered *only* if there is a likelihood of incarceration. In most cases, the probability of going to jail for summary conviction offences is low; according to the Department of Justice Canada, it is approximately 20%. New Brunswick Legal Aid admits that the majority of criminal cases that are denied coverage are basically summary conviction offences with a low probability of jail time if convicted. What types of cases would not be covered? A drinking and driving offence, unless it caused bodily harm, or a first-time shoplifting offence are examples of cases that would not typically be covered.

The limitations on summary conviction offences usually mean that first-time offenders are not likely to be represented, while repeat offenders would likely be covered since a person with a record has a greater chance of being convicted and sent to jail. New Brunswick Legal Aid, however, can also restrict access to services *because of* prior use of the system, or they may deny coverage to those charged with the same type of criminal offence as had been dealt with in the past.

Prince Edward Island Legal Aid is the only jurisdiction that covers all indictable and summary conviction offences. They state that they *do not* use the “likelihood of imprisonment” as test criteria, unless there is a need to limit coverage of minor matters. But overall, they act in the interests of the clients.<sup>18</sup>

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<sup>18</sup> Personal communication with Kent Brown, QC, Prince Edward Island Legal Aid.

*Are there any exceptions?*

The Legal Services Society of British Columbia (LSS) make some exceptions to their coverage restrictions. The LSS provides representation to individuals with mental or emotional disabilities who are unable to defend themselves, even if there is no likelihood of imprisonment. They also provide representation to Aboriginal peoples who would lose their means of earning a livelihood (such as with hunting and fishing) if convicted.

Ontario's new provisions limiting coverage also recognize that there is a need for discretion when a summary conviction offence will lead to a jail sentence.<sup>19</sup> The LAO states that two groups of factors are used to determine if a client is eligible for a criminal legal aid certificate:

Systemic factors:

- ✓ type of offence, seriousness of allegation and sentences usually imposed;
- ✓ judicial practices in sentencing. For example, differences in local conditions explain why some judges impose harsher penalties for crimes that would not normally result in a jail sentence in other districts;
- ✓ Crown practices in prosecuting. Screening forms alone are not sufficient to determine the probability of going to jail if convicted.

Personal factors:

- ✓ mental competency of the accused;
  - ✓ whether or not they have been refused bail or cannot meet bail;
  - ✓ some disability that diminishes their capacity to be treated fairly.
- (Excerpt from Legal Aid Ontario, *Guide to Legal Aid Certificate Coverage*, 2001, p.3)

Young offenders are provided with representation in criminal cases, in all jurisdictions under Section 11 of the *Young Offenders Act*. If the legal aid plans do not cover this representation, it usually falls under the jurisdiction of the Attorney General's Office or the provincial departments of justice. A judge can order that youth be provided with counsel.

The coverage of criminal appeals is another area where practices in the different jurisdictions can vary. Appeals can be initiated by the Crown or by the accused. In general, the plans state that appeals initiated by the Crown are covered; however, the circumstances may vary. While Alberta covers Crown appeals on indictable offences, appeals of summary convictions are covered only when the Crown is seeking a sentence of imprisonment. In Manitoba, Crown appeals are covered only if the case would have been covered originally through the legal aid plan.

Appeals led by the accused must have merit and must have a chance of succeeding in order to be granted legal aid coverage. In Manitoba, appeals by the accused are accepted *only* if the accused

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<sup>19</sup> Not all summary conviction offences of the same nature are treated in the same way among different jurisdictions or even within the same jurisdiction. The National Welfare Council's report, *Justice and the Poor*, demonstrates that there is no consistency in the criminal charges, the rate of imprisonment, and the types of offences that can lead to prison sentences. (National Council of Welfare, *Justice and the Poor*, 2000, pp. 67-72).



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has received a jail sentence and the case has merit. In Quebec, they are assessed on a case-by-case basis.

*What happens to the less serious cases?*

Most legal aid plans provide duty counsel services, and many minor types of cases can be, and are, dealt with through the use of duty counsel services. While duty counsel is available in most jurisdictions, it is not consistent in terms of availability and the types of services provided. For example, Prince Edward Island and Nova Scotia do not have formal duty counsels. In Prince Edward Island, staff lawyers provide advice at legal aid offices, and in Nova Scotia, there is an informal service. Several jurisdictions have full-service duty counsel. These include Ontario, Manitoba, New Brunswick and Alberta. While they perform the same duties as regular duty counsel, their services may also include negotiating an appropriate plea bargain or a release, or representation for the accused at sentencing. In most cases, however, duty counsel *does not* represent the accused at trials. In Ontario, Nova Scotia<sup>20</sup> and Manitoba, the accused must be financially eligible for legal aid in order to receive duty counsel services.

*How often are criminal applications denied because of coverage restrictions?*

The Canadian Centre for Justice Statistics at Statistics Canada examines a variety of areas surrounding legal aid, including the proportion of applications received for criminal coverage and the proportion that are refused as a result of financial ineligibility or other reasons, primarily coverage restrictions or a lack of merit. In most instances, if the case is not covered under the mandate of a particular jurisdiction, there is no need to administer the financial eligibility test. As can be seen in Table 2, the majority of refusals are for coverage restrictions.<sup>21</sup> Saskatchewan is the only exception. Quebec is more even in its distribution of reasons for refusal. Although the exact reason for a denial of coverage cannot be isolated – for example, coverage restrictions versus a lack of merit or non-compliance – we can see that coverage restrictions have an overall impact on the number of refusals for legal aid. (These figures do not include denials of service before an application is filed. Applicants may be pre-screened before submitting a formal application.)

*What are the implications for low-income Canadians?*

The restrictions on legal aid coverage suggest that a large number of people are not represented in the criminal court system. While people accused of serious crimes are still covered, minor offences may or may not be. This means that applicants who are ineligible for legal aid may end up with a conviction on their record, which can have serious implications for the future because a second conviction can lead to a stricter sentence. The Ontario Attorney General's Office and the Canadian Bar Association have found that "pleading guilty to 'get it over with' is an increasingly common phenomenon as many more accused are unable to secure legal representation to assist them in the bail process."<sup>22</sup>

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<sup>20</sup> In practice.

<sup>21</sup> "Other reasons" can include coverage restrictions, lack of merit, or non-compliance/abuse.

<sup>22</sup> Ontario Ministry of the Attorney General. *Report of the Ontario Legal Aid Review: A Blueprint for Publicly Funded Legal Services*, 1997, p. 5.



This concern was reiterated in a discussion paper written for the Canadian Bar Association (CBA). The CBA, through several consultations, found that people often represent themselves in court because they have no other alternatives. As a result,

- ✓ the perception of the criminal bar is that the unrepresented accused tend to plead guilty, possibly because of an inability to understand the proceedings or to understand that a defence exists;
- ✓ the perception of the bar is that unrepresented individuals are more likely to be convicted and to receive stiffer sentences.<sup>23</sup>

Low-income people are heavily over-represented in the criminal justice system. As a result, legal aid services are particularly important to this group. Even when the end result is not a prison sentence, people who are economically disadvantaged may suffer a disproportionate punishment for their crime. As stated earlier, about 20% of summary convictions incur a jail sentence, usually of three to six months; the other 80% are dealt with using alternative measures, or fines are levied. Previous research, however, has shown that these people often end up in jail because they are unable to pay the fine.<sup>24</sup> In essence, it means that even with payment schedules, the system is putting an additional financial burden on the very group that could not afford to hire a lawyer to address the original crime.

Because full service coverage is becoming more and more restricted, many of the legal plans look to duty counsel to deal with minor issues and to take on greater work loads. Despite the valuable services provided by duty counsel, there is no way to assess whether the use of these services is always in the best interests of the accused. A recent assessment by the Ontario Attorney General's office found that duty counsel have had their caseloads increase, and they are now dealing with more complex issues. And duty counsel have expressed concerns over the rushed manner in which they must provide service to clients.<sup>25</sup> In some instances, even these services are not available because of staffing or funding issues. Both Ontario and British Columbia have had difficulties in the past providing duty counsel services. In the mid- to late-1990s, Ontario reported an increase in the number of accused who were unrepresented in their criminal court cases, largely due to the lack of availability of duty counsel. In British Columbia, due to lack of funding, duty counsel services were reduced between April and September 2001 to include only those accused who were already in custody. At present, the LSS is developing a "hierarchy of services" as the Attorney General of British Columbia begins to pass the costs of many services back to the legal aid society.<sup>26</sup>

Not only do these restrictions result in disparities between the services that are available *among* the provinces, they may also be resulting in inconsistencies within a particular province. Through their province-wide consultations, the Report of the Ontario Legal Aid review uncovered that "the impact of the reduction in criminal law services has resulted in regional differences in the

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<sup>23</sup> Melinda Buckley for the Canadian Bar Association. *The Legal Aid Crisis: Time For Action*, 1999.

<sup>24</sup> National Council of Welfare. *Legal Aid and the Poor, 1995; Justice and the Poor*, 2000.

<sup>25</sup> Ontario Ministry of the Attorney General. *Report of the Ontario Legal Aid Review: A Blueprint for Publicly Funded Legal Services*, 1997.

<sup>26</sup> "Government Cuts to Legal Aid Funding Threaten Access to Justice," [www.vcn.bc.ca/lssbc/lss-whatsnew/budgetfactsheet1.pdf].



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level of representation available. Some areas report a higher reliance on duty counsel or student legal aid clinics and others report a higher number of unrepresented cases.”<sup>27</sup>

What *is* evident is that while the intent of legal aid plans – and the federal-provincial cost-sharing agreement – is to provide legal services to those who are economically disadvantaged, the plans are limiting this important and vital service. Distinctions are being made between very serious crimes and all other types of crime without addressing the important ramifications of convictions of *any type* on the lives of low-income Canadians and the implications this may have on their future employment, income and educational opportunities.

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<sup>27</sup> Ministry of the Attorney General of Ontario, Ibid.



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## Section 3

# Financial Eligibility Criteria across the Jurisdictions

All jurisdictions except New Brunswick have some type of official guidelines or cut-offs indicating income beyond which applicants are not normally entitled to legal aid. Depending on the jurisdiction, the provincial governments or the legal aid plans determine these guidelines. The guidelines vary by family size and some may vary by community size. Some jurisdictions use the LICO as their starting point for determining appropriate income levels, while others use social assistance payment levels. Assets, liabilities and expenses are also taken into consideration. And to further complicate the system, each jurisdiction differs in how strictly they adhere to any of their own regulations. In many instances, one is told “it depends” in answer to whether or not an applicant who is slightly above the guidelines or cut-offs will be issued a certificate. One area where all the plans are in agreement is that people on social assistance can qualify for legal aid.

Comparisons among the jurisdictions are somewhat difficult, given the amount of discretion and the complexity of some of the plans. This section of the report provides basic comparisons among the jurisdictions to illustrate their similarities and differences. While the inventory provides a more detailed summary of each of the plans, Table 3 shows “at-a-glance” some of the financial eligibility criteria.

### *Income Definitions*

One major area of difference among the legal aid plans is the way in which each plan defines income. Four of the 10 provinces use net income, while the others use gross income. (Net or after-tax income is a person’s gross income minus income taxes; gross income is income from all sources, including government transfers.) Why use one instead of the other? One reason may be that Canada’s tax system is progressive. Net income can be higher than gross income since individual tax credits and social assistance are not taxable. Some families with low income before taxes can be relatively better off – and not in a low-income situation – on an after-tax basis. We might expect that jurisdictions using net income would have lower guidelines overall, and it appears that this is generally the case. British Columbia, Saskatchewan, Ontario and Newfoundland and Labrador all use net income, and their guidelines range from \$4,716 for a single person in Newfoundland and Labrador, to a high of \$11,100 in Saskatchewan. Among the provinces using gross income as the criteria, the lowest income guidelines are in Quebec, where an individual (or a single-person family) is capped at \$8,870 of gross income, to a high of \$14,176 in Prince Edward Island.

Each legal aid plan allows applicants to make different deductions from the calculation of their income. The most prevalent is the Child Tax Benefit, with six of the 10 provinces allowing this deduction. Other jurisdictions include tax credits, child care costs, the cost of medications, school or book fees, and child support payments. Quebec allows the greatest number of deductions – including the Child Tax Benefit, tax credits for the care of the elderly, and social housing benefits. Allowing these deductions creates some flexibility in the income guidelines

and may enable some families to meet the guidelines, despite any benefits they may have received from other social programs.

Each province's eligibility criteria also take into account other factors beyond just income. Family size, assets, liabilities and expenses can also be considered.

Most jurisdictions define family in the same way, using family size as the main criteria. A family can include a spouse (through marriage and common-law relationships) and dependants, who may be children or other individuals who rely on the applicant. In most jurisdictions, family size does not distinguish between one- or two-adult households with dependants. This implies that single-parent families are allocated the same income limits as couples. Nova Scotia, Newfoundland and Labrador and Quebec base their guidelines on family type and family size. However, Quebec consolidates the number of children at two, meaning that their income limit for a two-parent family with two children would be equivalent to a two-parent family with four children.

All jurisdictions have some form of assets test. An assets test can be used to deny eligibility to those above a certain income limit or to identify those who may be able to contribute some amount towards their legal costs. Some plans have clearly articulated cut-offs for assets, while others have tests that are discretionary. For example, in Nova Scotia, for the most part, eligibility is based on income, but if something appears to be irregular, they will investigate an applicant's assets before making any decisions. Provinces such as Quebec have very clear definitions that identify by how much an applicant can exceed the assets limits, if at all. In all jurisdictions, an applicant can have some liquid assets, with ranges from \$1,500 for an individual in Saskatchewan to a \$5,000 maximum in Manitoba. Applicants with assets above these exemptions are denied legal aid coverage because it is felt that they have enough money to cover a lawyer's fees.

The plans also examine other types of assets, such as a house, property or a vehicle.<sup>28</sup> All jurisdictions allow applicants to keep their family home and their car, provided these are not extravagant luxuries. But in some jurisdictions – such as Manitoba, Alberta or New Brunswick – applicants may be asked to take a lien out on their property. And once again, some jurisdictions clearly articulate the total amount they are assessing, while others do not. Jurisdictions also differ in what they consider to be a “modest” amount of assets that can be held. In British Columbia, the total equity in a car cannot exceed \$5,000, while in Manitoba the limit is \$10,000. Again, many of these assessments are at the discretion of the Legal Aid area director.

Differences among jurisdictions also exist in the way legal aid guidelines are viewed. For example, in Prince Edward Island, Newfoundland and Labrador and Ontario, the guidelines are considered to be a starting point for discussions; they are not used to refuse an applicant outright. Expenses and liabilities are heavily weighed into an assessment. For example, Newfoundland and Labrador examines whether applicants can meet their “basic needs” with the income they have. Ontario follows a similar principle. The systems in Prince Edward Island and Newfoundland and Labrador are discretionary, while Ontario's is clearly laid out. Legal Aid

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<sup>28</sup> There is an understanding that vehicles may be important to the livelihood of the applicant and his/her family.



Ontario considers a basic allowance, a shelter allowance, boarder allowance and debt allowance, then an applicant's financial situation is assessed against these allowances. When combined, they can raise the eligibility limit for a single-person family from \$7,212 under the income waiver, to \$13,068 with the maximum allowance. Other jurisdictions such as Alberta and Manitoba indicate that they are also flexible in applying their guidelines, particularly when an applicant only slightly exceeds the guidelines or the assets tests.

### *Expanded Eligibility through Contributions*

Jurisdictions can also allow applicants to have incomes above their guidelines if they agree to contribute towards the costs of the legal aid services provided. The plans may expect partial or full repayment of the legal costs. Alberta, Manitoba and Quebec all have programs that allow applicants eligibility through their own contributions. In Alberta, once an applicant exceeds the relevant cut-off, they become eligible through partial contributions. In this way, the income limits for a single-person family in Alberta are extended from \$13,900, to a maximum limit of \$21,500. The amount of repayment depends on the applicant's ability to pay without causing undue hardship.

Quebec's eligibility through contribution program requires an in-depth assessment of family size, income and assets. The limit for a single-person family is \$12,640 under the expanded eligibility criteria, compared to a limit of \$8,870 for non-contributory legal aid services. The amount that would need to be repaid ranges from \$100 to \$800.

Manitoba has a partial contribution level and a full contribution level. This system was created specifically to help low-income families that are "near poor"<sup>29</sup> or "working poor."<sup>30</sup> A single-person family can receive free legal aid if their income is below \$14,000; they pay a partial contribution if they have an income of between \$14,000 and \$16,000, and they must repay the entire cost if their income is between \$16,000 and \$23,000. The full amount for repayment is meant to be lower than the costs would be to hire private counsel, because the tariffs for the legal aid lawyers are lower than those in the private sector.

### *Fees and Client Contributions*

There are two types of fees used by the plans: administrative fees and client contributions. Administrative fees are not widely used. Manitoba and Quebec have the only plans that require an application fee. Manitoba charges a \$25 application fee<sup>31</sup> and Quebec requires a \$50 refundable application fee for their contributory plan. Alberta has recently eliminated their application fee.

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<sup>29</sup> Near-poor households have incomes equal to or greater than 1.00 and less than 1.25 of the LICO. Lee, Kevin et al. *A Profile of Poverty in Mid-sized Alberta Cities*. Ottawa: CCSD, January 2000.

<sup>30</sup> Non-elderly households whose adult members have, between them, at least 49 weeks of either full-time or part-time work during the year but still fall below the low income cut-offs. Defined in Ross, David P. et al. *The Canadian Fact Book on Poverty*. Ottawa: Ottawa, 2000, p. 83.

<sup>31</sup> The fee can be waived for particular groups.

On the other hand, client contributions are widely used by many jurisdictions. Most are quite flexible, meaning that it “depends” on the applicant’s ability to pay, which is often determined by the area director, depending on the jurisdiction. Applicants for legal aid normally do not have to pay at the outset in order to receive the service. Instead, they can enter into written agreements. British Columbia is the only jurisdiction that requires payment *before* a certificate is issued. The LSS uses a sliding scale based on an applicant’s income, with a maximum amount of \$100 that can be collected. Client contributions are not viewed as user fees per se, but British Columbia’s system raises suspicions about whether it is simply a different kind of administrative fee.<sup>32</sup>

### *How old are the criteria?*

One last difference among the plans is the date when criteria were last updated. Quebec and Ontario are still using criteria that were developed in 1995 and 1996, respectively. Prince Edward Island and Alberta have recently modified their criteria and are current as of 2001. The rest of the legal aid plans are using financial eligibility criteria updated between 1997 and 2000.<sup>33</sup>

### *What are some of the implications for low-income families?*

- ✓ There is no consistency across Canada. For example, a two-person family with a net income of \$16,000 would be eligible for legal aid in British Columbia but not in Saskatchewan. A two-person family with \$18,000 of gross income would be eligible for legal aid in Manitoba but not in Alberta, except under the program of expanded eligibility through contributions made by the applicant. Families with low income are therefore afforded different rights, depending on their province of residence. In our original example, an applicant would be given legal representation if they lived in British Columbia, but in Saskatchewan, they would either need to represent themselves or try to find legal counsel on their own. While many of Canada’s social programs allow for provincial or regional differences, these differing legal aid plans present an interesting dilemma for the justice system. After all, the justice system is meant to treat everyone *equally*.
- ✓ It is obvious that there is no consistent definition of poverty or who constitutes the disadvantaged in Canada. For almost all the legal aid plans, only those who are very poor – that is, on social assistance or earning no money – are automatically eligible for free legal services. Several of the plans have questioned their criteria and have established eligibility through contributions. Quebec’s system was revamped in 1996 in order to allow for greater eligibility. Quebec’s system remains one of the strictest legal aid plans, and it is producing mixed results in terms of whether it serves those for whom it is intended. In an ongoing investigation into their expanded eligibility program, it was revealed that since 1996, 51,500 applications for eligibility through contributions were processed (all types of cases). Of those, 27,500 or 40% were denied. Among those who were denied eligibility, 20,341 or 75%

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<sup>32</sup> In his paper on user fees, Albert Currie calls this a “hybrid.” Albert Currie. *Application Fees and Client Contributions in Legal Aid: A Framework for Discussion*. Department of Justice Canada, Research and Statistics Division, 1998. Tr1998-2e.

<sup>33</sup> Newfoundland and Labrador is in the process of updating their criteria.



were rejected because the *applicants* refused to pay the contribution level.<sup>34</sup> Essentially, single persons and lone-parent families were found to be the most affected by this problem. Manitoba's system is much more generous in terms of its limits, and the results appear to have been positive. A 1991 evaluation by the Prairie Research Associates of Manitoba's expanded eligibility concluded that the program was a success and that it was fulfilling its purpose of meeting the needs of the working poor.<sup>35</sup>

- ✓ It is difficult to assess how the assets tests affect low income individuals. Some jurisdictions stated that this was not generally a problem because the applicants rarely had that much money or property. However, it does raise concerns as to whether it may or may not place undue hardship on those in low income.
- ✓ User fees and client contributions are also areas that have uncertain impacts on those in low income. According to exploratory research by Albert Currie, there may be a deterrent effect and instances of hardship as a result of client contributions and user fees. But, he recommends additional empirical research in this area to determine the effects on low income Canadians.<sup>36</sup>
- ✓ If the legal aid plans use financial eligibility criteria to deny everyone *but* those who are economically disadvantaged, one would assume that their criteria must be kept somewhat current. Poverty is not static, yet the plans do not appear to have any automatic mechanisms to update their financial eligibility criteria.

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<sup>34</sup> Commission des services juridiques. *29<sup>e</sup> rapport annuel*, 31 mars 2001.  
[www.csj.qc.ca/francais/commission/Rapport\\_annuel\\_2001.PDF](http://www.csj.qc.ca/francais/commission/Rapport_annuel_2001.PDF).

<sup>35</sup> Prairie Research Associates. *Evaluation of the Legal Aid Manitoba Expanded Eligibility Program: Final Report*. Winnipeg, 1991.

<sup>36</sup> Currie, Albert. *Application Fees and Client Contributions in Legal Aid: A Framework for Discussion*. Ottawa: Research and Statistics Division, Department of Justice Canada, June 1998. Tr1998-2e.



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## Section 4

# Data Analyses

In this section, we address the following:

1. An analysis of the Legal Aid financial eligibility criteria in relation to Statistics Canada's Low-income cut-off (LICO).
  - a) Are the guidelines above or below the LICO?
  - b) Does combining the income and assets set the guidelines above or below the LICO?
  - c) Do the plans with expanded eligibility have guidelines that are above or below the LICO?
2. An examination of how many families are eligible for legal aid, given the legal aid financial eligibility rules
  - a) How many families (including single person families) are eligible for legal aid (irrespective of the LICO status)?
  - b) What proportion and how many poor families would qualify for legal aid based on the income criteria?
3. What does this mean for low-income families?
4. What does this mean for low-income young adults, aged 18 to 35 years?

## Methodology

This first segment of the research compares the income amounts of low-income families to the income levels for determining whether a family receives legal aid, utilising information from Statistics Canada. The aim of this section is to analyse just how closely the Legal Aid Plans' (LAP)<sup>37</sup> financial eligibility guidelines, as set forth by the different jurisdictions, match the standard measure for whether a family falls below the LICO, using either before-tax or after-tax measures (as necessary). We have selected the LICO as the main dividing line for determining whether a family is in low-income because it is viewed by many social researchers as a poverty line. Public polling conducted in Canada has given credence to the use of the LICO. Both Gallup and EKOS have conducted polls that provide a guide to what the general public considers to be poverty. One finds that there is an extremely close correspondence between public opinion and the LICO, with both rising over time in line with average income or the standard of living.<sup>38</sup>

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<sup>37</sup> We may occasionally use the term Legal Aid Plans (LAP) as a generic “catch-all term” to address the various legal plans.

<sup>38</sup> For a more detailed discussion of the LICO, poverty measures and the results from Gallup and EKOS public opinion polls, please refer to Ross et al. *The Canadian Fact Book on Poverty 2000*. Ottawa: CCSD, 2000.



It should be noted, however, that Statistics Canada does not consider the LICO levels to be poverty lines. The following is an official statement by Statistics Canada on the use of the LICO:

*For many years, Statistics Canada has published a set of measures called the low income cut-offs (LICOs). We regularly and consistently emphasize that these are quite different from measures of poverty. They reflect a well-defined methodology which identifies those who are substantially worse off than the average. Of course, being significantly worse off than the average does not necessarily mean that one is poor.*

*Nevertheless, in the absence of an accepted definition of poverty, these statistics have been used by many analysts to study the characteristics of the relatively worst off families in Canada.*

*In the absence of politically-sanctioned social consensus on who should be regarded as "poor," some people and groups have been using the Statistics Canada low-income lines as a de facto definition of poverty. But they certainly do not represent Statistics Canada's views about how poverty should be defined.*

The LICO measure distinguishes between those families living in straitened circumstances and those who do not. Families that spend 20% more than the average Canadian family on food, clothing and shelter are considered to be living in straitened circumstances. In essence, it divided the population into those who were poor and those who were not.

This means that, currently, if a family spends more than approximately 55% of their total income on food, clothing and shelter, then they are considered to be living in straitened circumstances and thus are poor. The LICO amounts are not determined for specific cities or family types, rather they vary by size of family and size of urban area. Larger families are allocated higher income levels in recognition of the greater amount of income needed to support more individuals. People living in larger urban areas are also given higher income amounts to control for the expense of living in large urban areas. Furthermore, Statistics Canada reports low-income levels of families before they pay taxes, their gross family income, as well as what the poverty levels are for families after they have paid taxes on this income. Comparisons of the LICO income levels (before and after-tax) with the LAP eligibility income and assets requirements are compared in Table 4. We use the published numbers from Statistics Canada's *Income in Canada, 1999* to make these comparisons.<sup>39</sup> To obtain the actual number and proportion of families who would qualify for legal aid (fall within the financial eligibility guidelines), we use data from 1998. This is the most recent publicly available data (see Table 5). So as not to have to deflate the present plans income guidelines to 1998 figures, we simply use the guidelines that were applied in 1998. In order to assess how closely the guidelines match the pre-tax and after-tax LICO levels, we have subtracted the relevant LAP income amount from the LICO amount. Our results show by *how much* the LAP allowance levels are below or above the relevant before- and after-tax low-income amounts for the different jurisdictions.

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<sup>39</sup> Statistics Canada. *Income in Canada 1999*. Catalogue no. 75-202-XIE.



The financial eligibility criteria in several jurisdictions also include a maximum amount of liquid assets.<sup>40</sup> Where possible (when it is clearly articulated and there are actual dollar figures), the maximum dollar value of the assets will be summed with the income criteria guidelines for eligibility and assessed against the corresponding LICO figures. We sum the income and the assets to create an “income + assets” category. This is meant to act as a “best guess” as the Survey of Labour and Income Dynamics (SLID) does not allow us to examine assets.<sup>41</sup> We should caution that liquid assets are *not* equivalent to income. The liquid assets exemptions may play an important role in meeting a need in emergency situations. It is not unreasonable for families to have some modest savings for necessities. The use of the “income + assets” category is only meant to be illustrative; it will not be used in the assessments when examining the proportion of families that would be eligible for legal aid. Several of the jurisdictions, contacted by the researchers, mentioned that they were not overly concerned with assets given the low income levels of their client base (their clients did not have enough money to be saving or investing) .

Some jurisdictions, as mentioned, also allow the applicants to exceed the income guidelines in exchange for some level of contribution. They have established maximum income limits – an absolute limit that the applicant cannot exceed and be eligible for legal aid. These jurisdictions include Alberta, Manitoba and Quebec. In Alberta the maximum limits can be waived by a committee with appellate functions. Regional committees and appeals committees both have the authority to expand the limits upon appeal by individual applicants. We include the maximum limits in the analysis to examine how they compare to the LICO.

The analysis will be presented by selected urban centre sizes and family sizes. Either before-and after-tax LICO levels will be used, depending on whether the legal aid plans use gross or net income (as seen in Sections 1 and 3). When calculating the income variables for each of the jurisdictions, we use the income definition they use, that is, either gross or net income. We do not, however, make the deductions. Not all the deductible categories are available on the dataset. By not making these deductions, it allows for comparisons between jurisdictions to be made. Again, we use the corresponding LICO levels.

The presentation of the information in Table 4-1 through Table 4-9 will appear as follows :

- ✓ the legal aid plans’ family size (or type);
- ✓ the equivalent LICO family size;
- ✓ the 1998 income guidelines;
- ✓ an “income + assets” column if relevant;
- ✓ a maximum income contribution range (extended coverage through contribution), if relevant;
- ✓ the relevant pre-or-post-tax LICO;
- ✓ difference between the guideline and the LICO;
- ✓ difference between the “income + assets” category;
- ✓ difference between the maximum income contribution range and the LICO.

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<sup>40</sup> They are also allowed property exemptions, but this is not included in this analysis.

<sup>41</sup> The surveys, to date, do not have a wealth component. This will be remedied with the release of the new Wealth Survey from Statistics Canada. (Yet to be released).

The second part of the analysis, in Table 5-1 through Table 5-9, examines the proportion and number of families that could qualify for legal aid, given the financial eligibility criteria (the income portion). To calculate these numbers, we use Statistics Canada's Survey of Labour and Income Dynamics (SLID) 1998<sup>42</sup> public use microdata files.

The units of analysis for these data are families rather than individuals. The research, therefore, provides information regarding the *approximate* number of *families*<sup>43</sup> in each jurisdiction that could qualify for legal aid, not individuals. It should be noted that single-person families<sup>44</sup> are included in the analyses.

A separate section entitled "A Look at Young Adults, Aged 18 to 35 years" will examine the proportion and number of young adults who would qualify for legal aid. The methodology is similar to that of the section that examines families. To calculate these numbers, we use Statistics Canada's Survey of Labour and Income Dynamics (SLID) 1998 public use microdata files.<sup>45</sup> In this case, the unit of analysis are individuals between the ages of 18 and 35.

The analyses will include a brief summary of what we found in each province and then a brief comparison of the jurisdictions as a whole will follow the section on youth.

## British Columbia

The LSS assesses the applicant's financial status to determine their net household income and assets. There are two maximum income levels: one for criminal and one for all other matters. The income/assets guidelines set out the LSS income and personal property assets guidelines by family size. Applicants whose income and assets are above the eligibility limits can still receive legal information and summary advice. There are a series of allowable assets in the form of property and liquid assets. In this analysis, we will include the category of "income + assets" to evaluate whether this has any effect on the difference between the guidelines and the LICO.

Observing the results in Table 4-1, we see that for rural areas, the LSS income allowance guidelines tend to be well above corresponding post-tax LICO levels. Poor families in rural areas would be covered by the guidelines, as would a proportion of non-poor families. The largest differences are found within the two- and three-person family categories, where the guidelines surpass the LICO amounts by \$2,815 to \$3,392. The allowance for a two-person family appears to be generous even when examining all the other urban areas, with the exception of those areas with 500,000+. In all these cases, the allowance for a two-person family is above the LICO. There is greater congruence in the areas 100,000 to 499,999, where the difference is approximately \$87. Even at the 500,000+ level, the two-person family allowance represents the smallest difference, compared to the other family sizes. For all other family sizes, the guidelines

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<sup>42</sup> SLID, started in 1993, is an ongoing longitudinal survey that allows for analyses to be conducted around labour market and income issues, including low-income.

<sup>43</sup> Numbers are rounded to the nearest hundredth following SLID release guidelines.

<sup>44</sup> These families are equivalent to unattached individuals.

<sup>45</sup> These are the "person files".



fall below the LICO levels starting in small urban areas with a population of less than 30,000. The gap continues to grow with the increase in urban area size and family size.

When we examine the “income + assets” category, the income guidelines surpass the LICO levels for all family sizes for rural and small areas. This trend continues for urban areas between 30,000 and 499,999 people, with the exception of 1- person families and families with 7 or more members. However, the single-person family difference is quite small between \$40 and \$230. Again, for the largest centres, except for two-person families, all the others guidelines fall below the LICO. The addition of the assets to the income, which range from \$2,000 to a maximum of \$6,000 has the effect of decreasing the differences by a significant amount and up until the largest urban area, is substantially higher than the LICO, with some exceptions. But, even for the largest urban areas, it has the effect of almost halving the difference compared to the straight income level.

Having investigated how closely the LSS guidelines match the LICO, we can now turn to examine how many families in British Columbia would be eligible for legal aid.

*An examination of how many families are eligible for legal aid, given the legal aid financial eligibility rules (income guidelines)*

In table 5-1, we see that, overall, 181,500 families in British Columbia would be eligible for legal aid.<sup>46</sup>

There are some 250,000 poor families in British Columbia, and of those, 68% would be eligible for legal aid. The proportion of single-person families that are eligible is 67% representing 110,130 single-person families in British Columbia. While single-person families make up the larger number of eligible families, they do not have the highest proportion of those eligible as a sub-group of family size. There is a larger proportion of two-person families who are eligible at 79% but they represent a smaller number at 31,885 families. The larger families with four or more members are less likely to qualify at 49%.

In all, 32% of all poor families do not qualify for eligibility based primarily on income.

## **Alberta**

Alberta, as stated earlier, has two main guidelines based on annual allowable gross income and family size. The first is the standard set of cut-offs. But, applicants whose family income exceeds the relevant cut-off for financial eligibility may be extended coverage on a contributing basis. In table 4-2, you will see annual allowable gross income figures for “free legal” and a column indicating the yearly allowable gross income contribution range. Both are measured against the pre-tax LICO. Please note there is really no such thing as free legal aid in Alberta. There is a requirement of some form of payment for both levels if the applicant is able to repay without causing undue hardship.

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<sup>46</sup> This represents about 11% of all families in the province. Of these families, the large majority are poor (171,300).

In table 4-2, we see that for rural areas, the Legal Aid Society's guidelines are above the before-tax LICO. The largest difference occurs for two-person families where the allowance is \$26,004 and the LICO is at \$ 15,178 (a \$10,826 difference). When one examines the maximum income contribution ranges, there is a significant difference compared to the LICO, as the maximum income levels surpass the LICO by \$8,000 to almost \$11,000.

As the urban areas get larger, the LICO levels surpass the allowable gross income guidelines, for all family sizes. There is some congruence for three-person families in small urban areas of less than 30,000 and the LICO. Larger families see a bigger difference between the allowable income levels and the LICO, and the gap gets larger as the urban area gets larger. When we examine those areas over 500,000, the gap between the income guidelines and the LICO for larger families is between \$9,000 and \$11,000.

The maximum income contribution levels surpass the LICO except for the largest urban areas. Again, those at a disadvantage are larger families of four or more people, where there is a gap between \$2,067 and \$4,755.

Overall, except for rural areas, the allowable gross income guidelines are below the LICO. The maximum income contribution range, however, exceeds the low income cut-offs except in the largest urban areas and for families with over four people. As such, we expect to see a larger proportion of Albertans financially eligible for legal aid with contributions.

*Examination of how many families are eligible for legal aid, given the legal aid financial eligibility rules (income guidelines)*

Under the annual allowable gross income category, in Table 5-2, we find that 170,400<sup>47</sup> Albertans would qualify under the income component of the financial eligibility test. Whereas, using the maximum contribution range cut-offs, this increases the number to 36,400 (30.4%) Albertans. In both cases, there are some non-poor members that would qualify, although under the annual allowance levels, they are too few to mention. Under the extended coverage, 12.1% of all non-poor Albertans would qualify. This would probably take into account some of the people classified as the "near poor" as well as those from the smaller urban and rural areas.

Sixty-five percent of all poor Albertans are eligible for legal aid under the annual allowable levels. When we further break this down by family size, 66% of all single-person families would qualify, representing a total of 105,959 Albertans. The largest proportion of families who qualify are three-person families at 77%. Only 56% of larger families, those with four members or more, would qualify. This is consistent with what we found when comparing the Annual Income Levels to the LICO levels.

Under the extended coverage, 99% of all poor families qualify for legal aid. Those with low income and not covered may be larger families or families living in the larger cities. This is consistent with the findings when one studies the eligibility by family size. Families consisting

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<sup>47</sup> This represents 14.2% of all Albertans. Of these families, the majority are poor (165,900).



of one to three members are all covered under the extended coverage. A small percentage of those in larger families, however, are not covered.

The extended eligibility that is created through the expanded contribution ranges, allows the vast majority of those families who are poor and some non-poor families to pass the financial eligibility criteria. It should also be noted, that the Legal Aid Society of Alberta states that they often exercise discretion in favour of the applicants who are slightly above the guidelines.

## **Saskatchewan**

The Saskatchewan Legal Aid Commission bases its guidelines primarily on those criteria found in Saskatchewan's social assistance regulations. The legal aid society examines both net yearly income and assets in their assessments of applicants' eligibility.

Their definition of family can include one- or two-person families with or without children. While they use the term "children," it actually also implies dependents. Because the after-tax LICO is based on family size, we had to catalogue all the possible implications for the term family. For example, a family with one child can mean a single-parent family with one child or a couple with one child; each has the same income cut-off, but the family size is different. A lone-parent family with a child equals two people, and a couple with a child equals three people.

There are set assets exemptions as in the social assistance guidelines. A single-person family is allotted \$1,500; a two-person family is allotted \$3,000; and a family with one or more children is allotted \$3,500. This is actually lower than social assistance, which allows for an extra \$500 for every additional family member.

Because the legal aid plan does not distinguish between one and two-parent families per se, the income guidelines are the same for a lone-parent family with one child and a couple with one child. The low income cut-off, however, is not the same because it is based on size. This obviously affects whether the guideline is above or below the LICO. As we see in Table 4-3, in rural areas, the income guidelines for lone-parent families rest above the LICO, while the same category for two-parent families falls below. The income guidelines for families with 6 or more children all rest above the LICO in rural areas. This is partly explained by the fact that low income cut-offs do not take into consideration families that have more than 7 members. For all other urban areas, the maximum net annual income guidelines rest above the LICO, except for families with 8 children. The income guidelines for couples with children demonstrate the greatest disparity with the LICO at all city sizes.

Observing the "income + assets" category, we find that the guidelines for single-person families quickly fall below LICO levels, starting with the small urban centres with fewer than 30,000 people by a small amount of \$75 to \$3,590 for large cities of more than 500,000 people. The "income + assets" levels for lone-parent families with one child and those families with very large families (over 7 children) rest above the LICO up until the largest city size. In all other instances, the low income cut-offs are greater than the guidelines.

*Examination of how many families are eligible for legal aid, given the legal aid financial eligibility rules (income guidelines)*

In Table 5-3, we find that 8.9% of families in Saskatchewan would qualify for legal aid. No families that were above the LICO would qualify. Sixty-six percent of poor families would meet the income guidelines. Seventy-three percent of low income single-person families and two-person families would qualify. Yet, over three-quarters of larger families, those with three or more members, would not qualify.

In all, 36,900 low-income families would pass the income criteria, while 20,000 would not.

## **Manitoba**

The Legal Aid Services Society sets the guidelines based on gross income and family size. They also examine assets and liabilities before determining eligibility. Again, it should be noted that Manitoba feels these are guidelines and each situation is assessed on a case-by-case basis. An applicant becomes eligible in one of three ways:

- ✓ full eligibility (without having to pay) – applicant is below the fully eligible guidelines;
- ✓ partial eligibility (pay some fixed part of the cost) – applicant is above the fully eligible guidelines but below the next level;
- ✓ expanded eligibility (pay full cost) – applicant is above the partial eligibility guidelines but below the maximum level.

The analysis examines the “fully eligible” and the “expanded eligibility” income levels and compares them to the pre-tax LICO.

In Table 4-4, we see that in rural areas, the guidelines for full eligibility, for all family sizes, except for single-person families rest above the LICO. As the size of the urban areas increases, the income guidelines for full eligibility fall below the LICO. The disparity becomes greater with each increase of urban area size.

The expanded eligibility guidelines, on the other hand, are almost all *above* the LICO levels. In fact, they are substantially above the LICO for rural areas and for areas with populations less than 30,000. We see a difference of between \$5,500 and almost \$10,000. By the mid-level cities, we see a shift whereby there is a greater difference between the guidelines and the LICO for the smaller families compared to the larger families. For example, the surplus over the LICO for a single-person family in a mid-level city is \$6,500 compared to \$2,900 for a family of 7. In fact, for urban areas larger than 500,000 people, only the guidelines for families with one to three members rest above the LICO. Given how great the surplus is for the extended eligibility guidelines, one expects to find that a larger proportion of Manitoba will qualify for legal aid.



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### *Examination of how many families are eligible for legal aid, given the legal aid financial eligibility rules (income guidelines)*

Observing Table 5-4, under the fully eligible criteria, over 71,700 families<sup>48</sup> in Manitoba would be eligible for legal aid. This number dramatically increases when one examines the expanded eligibility guidelines. Here, we find that almost 36% of families, both poor and non-poor, would be eligible. We expect to see such a difference given the reasoning behind the expanded eligibility guidelines. They are meant to help those families who would be considered the “near poor.” Therefore, it is not surprising that we find that almost 100% of families would qualify for legal aid, at least from an income standpoint. Yet, when one examines the fully eligible category, about 60% of poor families would be eligible for free legal aid.

Seventy-five to 76% of families with three or four members would qualify for legal aid under this category, compared to a little over half, 55%, of single-person families. This is consistent with our findings from the gaps between the guidelines and the LICO. For the expanded eligibility category, all families with one to three members would be eligible, whereas we see a small percentage of those in larger families would not. Again, this is consistent with our earlier findings. The guidelines for larger families in urban areas of 500,000+ fell below the LICO.

The expanded eligibility allows for almost all families to qualify for legal aid.

## **Ontario**

Financial eligibility is determined through a means test. It takes into account net income and family size but also considers the expenses and liabilities of the applicants. Applicants who meet “income waiver” levels are not subject to the detailed assessment of assets. Applicants whose incomes are above the waiver levels by family size undergo a more detailed assessment of their financial viability. Legal Aid Ontario (LAO) sets out a series of allowances: a basic allowance, a shelter allowance, boarder allowance (for those who pay and those who don’t) and a debt allowance (for further details refer to Section 1).

The LAO utilizes net income in its analyses. Liquid assets are also considered when assessing eligibility. Exemptions for liquid assets include – \$1,000 for single person families, \$1,500 for a two-person family and \$2,000 for families with three or more members.

The system used by LAO to determine financial eligibility does not separate eligibility for contributory and non-contributory legal aid into completely distinct categories. As described above at pages 18 and 19, there is an “income waiver” category within which the lowest income applicants are assessed against income and family size levels only, so long as they do not exceed the assets test. Applicants approved for legal aid within the income waiver category would receive non-contributory or free legal aid. In addition, the LAO system has a “net maximum annual allowances” category that takes into account both income levels for various family size groupings plus assets and liabilities. Applicants who are approved to receive service within this

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<sup>48</sup> This represents 15% of poor families (70,600 families).



category may be granted non-contributory legal aid or may be asked to make a contribution toward the service. In their application, these categories blend into one another.

It is difficult to calculate the proportion of the poor who would be eligible for non-contributory legal aid given the two overlapping categories. Calculations indicate that about 35% of poor families in Ontario and about 37% of low income individuals aged 18-35, as measured by LICO standards, would be eligible for non-contributory legal aid within the income waiver category. However, about 95% of poor Ontario families and 98% of low income individuals aged 18 to 35 would be eligible for legal aid under the maximum allowance category. Some of this estimated proportion would be eligible for free legal aid and some would be asked to make a contribution. The 35 to 37% figure is clearly too low to accurately represent the percentage of poor families who would receive non-contributory legal aid, and the 95 to 98% figure is to some extent too high. Graphs and tables in this report referring to Ontario use both figures, taking into account the qualifications and the nature of the Ontario system as described here.

Examining the Tables in 4-5, one finds that the income waiver allowances are below the after-tax LICO for all family sizes and for all size of communities, with one exception. The income allowance for a family of two is above the LICO in rural areas, by a surplus of \$1,292. The income allowance for a family of two remains the category with the smallest difference from the LICO.

Including the assets does not drastically improve the allowances ability to surpass the after-tax low income cut-offs, with some exceptions. The allowances for single-person to three-person families rest above the low income cut-offs for rural areas and for two-person families in communities with less than 30,000 people.

The maximum allowances are much more generous, surpassing the LICO for all family sizes and for all community sizes.

*Examination of how many families are eligible for legal aid, given the legal aid financial eligibility rules (income guidelines)*

In Table 5-5, the income waiver allowances would permit 220,900 (4.8%) families in Ontario to qualify for free legal aid. Almost no families above the LICO would qualify for this service. Among the low income families in Ontario, 36% would qualify for free legal aid without further examination of family expenditure and liabilities. The maximum allowance levels would allow 17.5% of all families in Ontario to qualify, with almost all poor families eligible to qualify and 6.5% of families above the low income cut-offs.

While almost 95% of all poor families, of varying sizes, would be eligible under the maximum allowances, fewer are eligible under the income waiver allowances. Thirty-one percent of single-person families would be eligible under the income waiver allowances. This increases to 56% for two-parent families and decreases to a low of 24% for families with four or more members. Under the maximum allowances, low income single-person families would be at a slight disadvantage. Apparently, 91.4% of these families are able to qualify.



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Under the income waiver allowance, 219,100 poor families in Ontario, would qualify while under the maximum allowances, 576,900 would be eligible. Even using the maximum allowances, 31,300 families would still not be eligible in the strictest sense.

## Quebec<sup>49</sup>

Quebec's legal aid criteria were revamped in 1996 to allow for greater flexibility in their financial eligibility criteria. Quebec now has a system whereby an applicant can be eligible for either free legal aid or be eligible through a contribution (between \$100 and \$800).

An applicant can exceed one of the three eligibility ceilings (income, property and liquid assets) and may still be eligible for legal aid through a contribution.

Income is defined as gross income and assets including property and liquid assets. In this part of the analysis, we include the liquid assets that are exempt – \$2,500 for a single-person family and \$5,000 for a husband-wife family. To examine the expanded eligibility levels, we use the maximum allowable levels with the applicant still receiving legal aid.

It should also be noted that Quebec allows for a 20% increase in the income guidelines in small communities. As such, we have calculated the income guidelines in the rural areas with a 20% increase adjustment and one without (simply as a means of comparison).

What becomes evident is that without the 20% adjustment for the rural areas, the free legal aid guidelines are all below the LICO. For the “income+assets” category, single-parent families with one or more children and couples without children or with one child have limits above the LICO levels; the rest fall below. Even the maximum annual income levels do not surpass the LICO for all family sizes. Families with more than two children all have limits that fall below the LICO.

Adding the 20% adjustment to the rural areas has almost no effect on the free legal aid limits. All limits continue to rest below the LICO. Although, the income limits for lone-parent families with one child and couples fall below the LICO only by a small amount (\$178). The “income + assets” category is, for the most part, greater than the LICO, except for families with four or more children. The maximum annual level has a similar trend to the “income + assets.” The levels are greater than the LICO except for lone-parent families with more than four children and two-parent families with five or more children.

In urban areas, the only times that the guidelines surpass the LICO levels is for lone-parent families with one child and couples without children in the “income + assets” category and for the maximum annual levels, but only in communities with fewer than 30,000 people.

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<sup>49</sup> Please note that Quebec utilizes the applicant's gross income amount in the year preceding the application.

*Examination of how many families are eligible for legal aid, given the legal aid financial eligibility rules (income guidelines)*

For this part of the analysis, we examine the income levels for *free legal aid* and the maximum annual income levels for *contributory legal aid*.

In Table 5-6, we find that 311,600 (9.7%)<sup>50</sup> of families in Quebec would qualify for free legal aid, based on income alone, compared to 19.5% of all families with the expanded criteria. No families above the LICO would be eligible for free legal aid, and less than 1% would be eligible under the expanded criteria. Under the expanded criteria, almost 70% of poor families would be eligible and only half of those would be eligible for free legal aid.

The proportion of low-income single-person families that qualify for free legal aid is 39%; the proportion is higher for three-person families but dramatically decreases for larger families, those with four or more members, dropping to 15%.

The expanded eligibility allows a higher proportion of low-income families of all sizes to qualify. About 71.5% of single-person families would qualify with a contribution, the smallest proportion is for larger families – 57% of families with four or more members would qualify. While the expanded criteria increases the proportion of poor families that qualify, it still leaves 273,500 poor families who would not qualify based on income alone.

## **Nova Scotia**

Nova Scotia's financial eligibility criteria are primarily based on gross income. Assets are examined only when legal aid feels that it is necessary. They state they apply their criteria with great discretion. However, there is no way for applicants to bridge the gap if they are substantially above the guidelines.

The legal aid plan uses family type as their definition of family. They distinguish between one and two-adult families. A dependent can be a child, another family member or person dependent on the applicant. The two types are accorded different income cut-offs, with the two-adult families given a higher level.

Overall, when we examine Table 4-7, we observe that for rural areas, the legal aid guidelines are above the LICO, for one and two adult families. As the city size gets larger, we see a shortfall in the guidelines compared to the LICO. Only one adults and one dependent families and couples have income cut-offs that are almost congruent with the LICO (a shortfall of between \$317 and \$343). For all other urban centres, the LICO values remain greater than the cut-offs. It is within the largest city size that the legal aid plans guidelines and the LICO are at their greatest disparity. A finding similar to the other provinces.

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<sup>50</sup> All of whom are poor.



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*Examination of how many families are eligible for legal aid, given the legal aid financial eligibility rules (income guidelines)*

In Table 5-7, we see that 89,600 (23%)<sup>51</sup> families in Nova Scotia would qualify for legal aid. Almost 2% of those above the LICO would qualify. These are families that would be located in rural areas and the smallest centres.

Eighty-seven percent of the poor would qualify. For both low-income families with one or two or more members, 86% would qualify. In total, some 13,000 low-income families would still not qualify in Nova Scotia.

## **Prince Edward Island**

While gross income is the primary factor in assessing financial eligibility in Prince Edward Island, there are no fixed income cut-offs. Prince Edward Island uses the income cut-offs and family size simply as guidelines or like a means test. Therefore, while we may comment on those who qualify for financial eligibility, the actual figures may be more generous.

We observe in Table 4-8, as in the other jurisdictions that the income guidelines are quite generous compared to the pre-tax LICO levels in the rural areas. Therefore, all those families below the LICO would meet the income portion of the financial eligibility criteria. As the urban area gets larger, a growing gap forms between the criteria guidelines and the LICO levels. In urban areas between 30,000 and 99,000 people, the gap ranges between \$1,393 for a single-person family and \$3,545 for a family with 7 members. To further examine the larger urban centres is immaterial given the size of Prince Edward Island. But, one observes that the gap increases as the city size increase and with the larger family sizes.

*Examination of how many families are eligible for legal aid, given the legal aid financial eligibility rules (income guidelines)*

In table 5-8, we observe that 5,200 (9.5%)<sup>52</sup> families in Prince Edward Island would be eligible for legal aid. Of the 10,200 poor households in 1998, 50.9% would be eligible for legal aid. No non-poor families would be eligible.

Due to Prince Edward Island's small sample size, the family size had to be further compressed to single-person households and 2+ households. We observe that 48% of single-person families and 56% of two-person families would qualify for legal aid. The proportion of those families who would qualify is probably under-represented in this analysis.<sup>53</sup>

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<sup>51</sup> The majority of whom are poor families (84,000).

<sup>52</sup> All of them are poor families.

<sup>53</sup> The analysis was conducted using Prince Edward Island's published guidelines as if they were cut-offs and, therefore, does not allow for any leeway.

## **Newfoundland and Labrador**

Newfoundland and Labrador does not have strict eligibility criteria. Their eligibility guidelines are a simple means test. The net annual income qualifications are not used to disqualify an applicant. All the information from an applicant is taken into account – income, assets, liabilities, and expenses. And each decision is made on a case-by-case basis.

Their income criteria are divided between one and two adult families and their dependents – each is given a different income amount. Families headed by two adults are given a higher net income guideline than single-parent families. There are no strict assets guidelines.

In Table 4-9, we observe that at no point are the guidelines above the LICO levels, not even in the rural areas. The gap between the legal aid guidelines and the LICO levels is quite wide. In rural communities, where other provincial legal aid plan guidelines for the most part rest above the LICO, here they fall below by approximately \$5,000 for a single-person family. The gap grows with family size and community size. Given such a wide gap, what would this imply in terms of low-income families qualifying for legal aid strictly based on the income criteria?

*Examination of how many families are eligible for legal aid, given the legal aid financial eligibility rules (income guidelines)*

We observe in Table 5-9 that 6,300 (3.1%) families in Newfoundland and Labrador would qualify for legal aid. As one can see, the majority of families would not qualify. Among the low-income families, only 18.3% would qualify (that is 6,300 out of 34,300 poor families). When examining poor families of varying sizes, we find that 30% of poor single-person families would qualify, while over 92% of low-income families with two or more members would not qualify.

Again, we should re-iterate that Newfoundland and Labrador does not have strict guidelines, and the extrapolation of the information in Table 5-9, should be interpreted with great caution and an understanding that these figures are quite austere. At the same time, it is evident that the income aspects of the guidelines are substantially below the LICO, and this limits the proportion of those who may qualify for legal aid. Under the strictest guidelines, 28,000 poor families would not qualify.



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## A Look at Young Adults, Aged 18 to 35 Years<sup>54</sup>

It was felt that further analysis examining gender and age would help develop a clearer sense of the incidence of poverty among what the Department of Justice Canada considers to be a target group, that is, those between the ages of 18 and 35 years. This section examines the proportion and number of individuals that could qualify for legal aid, given the financial eligibility criteria (the income portion). (Please refer to Tables 6-1 to 6-9 for the data).

The methodology is similar to that of the section that examines families. To calculate these numbers, we use Statistics Canada's Survey of Labour and Income Dynamics (SLID) 1998 public use microdata files. It should be noted that the Survey of Labour and Income Dynamics microdata (person files) is limited to those aged 16 years and older. In this case, the unit of analysis are individuals between the ages of 18 and 35. The legal aid plans use family size and family income in their guidelines, our analysis takes this into consideration. It should be noted that 18- to 35-year-olds make up 32.9% of the adult population. When one further breaks down the analysis by province and gender, the number and proportion become quite small. In many cases, these numbers are below Statistics Canada's releasability guidelines. Therefore, for some provinces, there are no breakdowns by gender or by family size.

### British Columbia

In table 6-1, we see that overall, 111,600 persons aged 18-35 in British Columbia would be eligible for legal aid. There are some 142,600 poor<sup>55</sup> 18- to 35-year-olds in British Columbia and of those, 72.9% would be eligible for legal aid.

There is a difference between males and females below the after-tax LICO that would be eligible for legal aid under the criteria. Approximately 78% of low-income men, compared to 70% of women, would be eligible.

The proportion of unattached individuals, below the after-tax LICO, that are eligible is 77.7%. For individuals in families with two or more people, that proportion drops to 68.5%. A higher proportion of unattached individuals would meet the eligibility criteria.

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<sup>54</sup> This section includes *only* those people aged 18 to 35 years. We are not inferring that these are all unattached individuals; these are persons who may be unattached or are in families.

<sup>55</sup> Below the after-tax LICO.

## Alberta

Using the gross income category, we find that 112,300 Albertans aged 18 to 35 years would qualify under the income component of the eligibility test. Of those who are poor<sup>56</sup>, 71.3% would qualify and a small proportion of those who are above the LICO would also qualify.<sup>57</sup> There is almost no difference in the proportion who would qualify between poor men and women, at 71.9% and 70.8% respectively.

Under the extended coverage, some 198,600 Albertans, or 25.1% of those aged 18 to 35 years, would be eligible for legal aid. Of those below the LICO, almost 99% would be eligible. Almost all men and women and all family sizes (100% of unattached individuals and 97.1% of individuals in families with two or more people) would be eligible. Like our analysis of families, it is probably a small percentage of those in larger families that may not be covered.

## Saskatchewan

In table 6-3, we observe that 8.6% of individuals between the ages of 18 and 35 years would be eligible to receive legal aid. No individuals above the LICO<sup>58</sup> would qualify. Fifty-seven percent of poor individuals would meet the income guidelines for legal aid.

Sixty-three percent of men below the LICO would meet the criteria compared to 53% of women. Seventy-two percent of poor unattached individuals would be eligible compared to 38% of those individuals living in families.

In total, 20,300 low-income persons aged 18 to 35 years would be eligible, while 15,100 would not.

## Manitoba

Under the full eligibility criteria, 43,800 young Manitobans (15.8%) would be eligible for legal aid. This proportion increases when one examines the expanded eligibility guidelines. Here we find that 27% of all 18- to 35-year-olds would be eligible (encompassing both the poor and those considered “near poor”). Almost 98% of low-income persons would meet the expanded eligibility criteria. When one examines the full eligibility criteria, 70% (43,191 individuals) of low-income young adults would be eligible for free legal aid.

There is almost no difference between the proportion of low-income young men and women, aged 18 to 35, who would access free legal aid. The same relationship exists between men and women meeting the expanded eligibility criteria.

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<sup>56</sup> Below the before-tax LICO.

<sup>57</sup> Too few to be releasable.

<sup>58</sup> Below the after-tax LICO.



Sixty-seven percent of unattached individuals would receive free legal aid. The proportion increases slightly for those in families with two or more people at 72%. The proportion of unattached individuals meeting the criteria for free legal aid is 100% and drops ever so slightly to 96.4% for those in families.

## Ontario

In table 6-5, the income waiver allowances would allow 140,500 (4.7%) 18- to 35-year-olds to qualify for free legal aid in Ontario. A minute number of those above the after-tax LICO would meet the criteria. Among the low income young adults, 37.4% would qualify for free legal aid. When one examines the maximum allowance levels, one finds that 16.5% of young adults would qualify. Almost all low-income young adults would qualify at 97.5%, and 5.2% of those above the LICO would also qualify.

Under the income waiver allowances, 36.5% of low-income men and 38% of low-income women would qualify for free legal aid, whereas under the maximum allowance levels, 94.4% of low-income men and 99.8% of low-income women would qualify. There is a small difference by family size. Thirty-four percent of low-income unattached individuals would qualify under the waivers, this increase to 39.6% for those in families with two or more people. Under the maximum allowances, 93.9% of low-income, unattached individuals would qualify and 100% of those in families with two or more people would qualify.

Under the maximum allowance levels, 362,700 low-income young Ontarians would qualify, while under the income waiver this drops to 139,000. Approximately 9,400 low-income young adults would not be covered.

## Quebec

In table 6-6, we find that 130,700 (32.5%) low-income<sup>59</sup> young Quebecers would be eligible for free legal aid. This increases to 264,600 (65.8%) low-income young adults under the expanded eligibility criteria. However, approximately 138,000 low-income young adults would still *not* qualify even with the expanded criteria. No persons above the before-tax LICO would be eligible for free legal aid and only a small amount would qualify under the expanded eligibility criteria.

The proportion of low-income young men and women who would qualify for free legal aid is 32.1% and 32.8% respectively. This increases to 63.3% and 67.9% of low-income men and women under the expanded criteria.

The proportion of unattached individuals that would qualify for free legal aid is 49.4%; however, this decreases to 23.2% for those in families with two or more people. While the expanded criteria allows for a greater proportion of people to access legal aid, we still see a decrease for those eligible by family size. While 74.8% of low-income, unattached individuals would meet

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<sup>59</sup> Below the before-tax LICO.



the expanded criteria, the proportion decreases to 60.8% of persons in families who would be eligible.

## **Nova Scotia**

In Table 6-7, we observe that 48,100 young Nova Scotians would qualify for legal aid. This represents 20.4% of 18- to 35-year-olds in Nova Scotia, with the majority falling below the before-tax LICO.

There is some difference by gender – 92.7% of young women in low-income would qualify, but only 81.2% of men in low-income would qualify. Women make up a larger proportion of all those who qualify.

Unattached individuals are more likely (92.9%) than those in families (84.6%) to be able to access legal aid.

Eighty-eight percent of 18- to 35-year-olds with a low income would qualify for legal aid. There remains approximately 6,300 (12%) of those with a low income who would still not qualify.

## **Prince Edward Island**

In table 6-8, we note that 2,800<sup>60</sup> persons aged 18 to 35 years (8%) would be eligible for legal aid. Of the 5,400 low-income young adults in Prince Edward Island, only 51.5% would qualify. Some 2,600 would remain ineligible.

The sample size for Prince Edward Island is too small to examine gender or family size.

## **Newfoundland and Labrador**

We observe in Table 6-9 that 4,700<sup>61</sup> (3.1%) of young adults, aged 18 to 35 years, would be eligible for legal aid. Among low-income youth, only 19.2% would qualify for legal aid. This suggests that approximately 19,900 of those persons with a low income would not be able to access legal aid.<sup>62</sup>

The sample size for Newfoundland and Labrador is too small to examine gender or family size.

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<sup>60</sup> The majority of whom are below the before-tax LICO.

<sup>61</sup> All of whom fall below the after-tax LICO.

<sup>62</sup> As stated earlier, Newfoundland and Labrador does not have strict guidelines, and therefore, this information should be interpreted with great care.



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### *What conclusions can be reached from this information?*

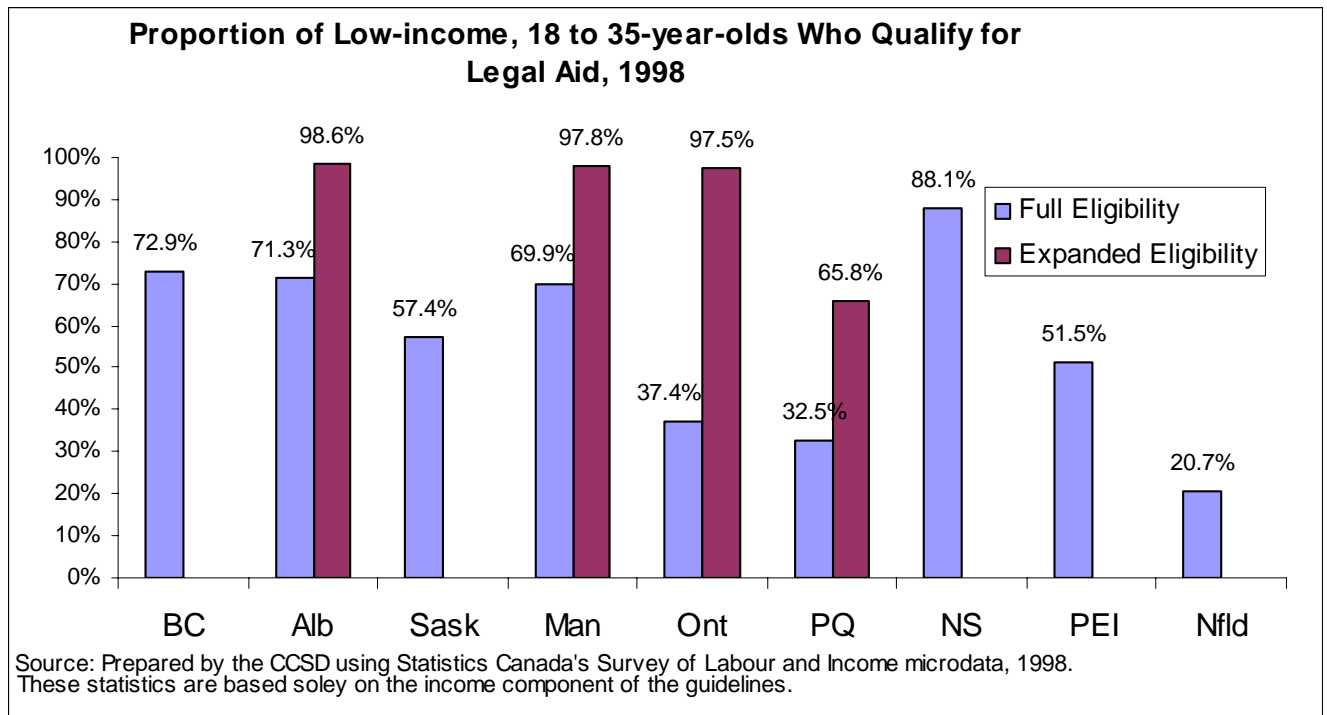
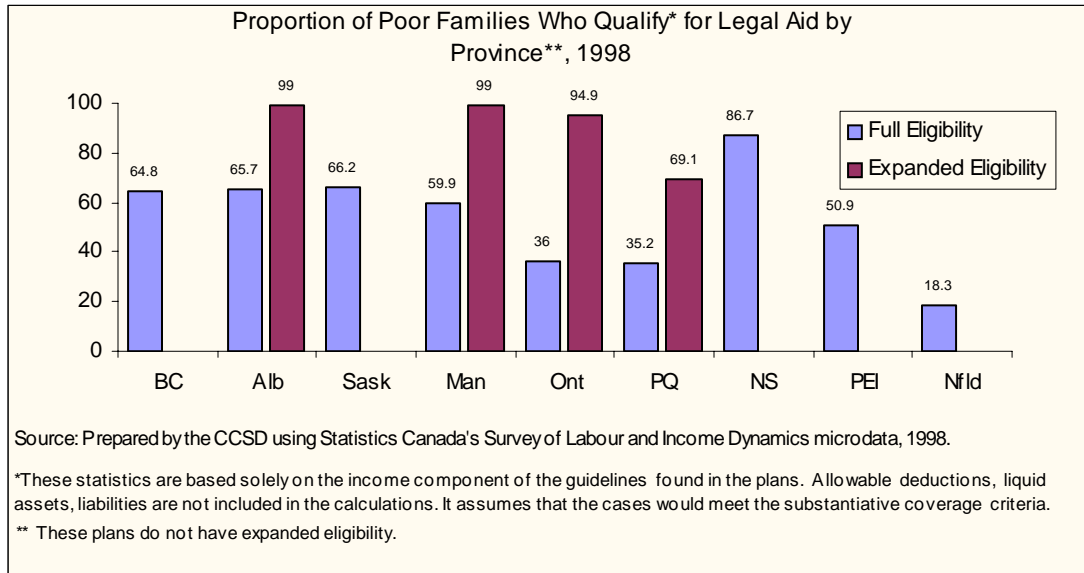
It is difficult to make any definitive statements about the different jurisdictions given the discretion that exists in almost all the plans. These data do not take into account any discretion or any of the complex assessments made by the programs (e.g., assets test, examination of expenses, liabilities and debts, or the ability of an applicant to find a lawyer). But, we can comment on the plans' starting point for financial eligibility – the income levels and, to a limited extent, the liquid assets.

If the purpose of the plans is, for the most part, to provide representation in criminal matters to those who cannot afford their own lawyers, one would expect the eligibility criteria to match some sort of poverty measure. In this case, the low income cut-offs (before and after-tax depending on the situation) were chosen – while not perfect, they are widely accepted as a benchmark for judging income adequacy.

What we find, overall, is that the legal aid guidelines in all jurisdictions tend to be well below the corresponding LICO levels. Including assets with the income guidelines tends to decrease the gap between the guidelines and the LICO amounts. Although as stated earlier, income is not the same as liquid assets. Liquid assets exemptions may provide modest savings for emergency situations. They should not be considered as a component of income in the financial eligibility criteria.

The largest differences between legal aid eligibility guidelines and the LICO figures are observed in the larger urban areas. The differences are substantially reduced for smaller urban centres and particularly for rural areas, where we often find that the guidelines exceed the LICO. This is primarily a by-product of the fact that the LICO takes into consideration the cost of living in different sized communities and, therefore, allocate smaller cut-offs to rural areas and much larger cut-offs to the larger urban centres. What this means, is that poor families in rural areas are more likely to qualify than are poor families in the larger urban centres.

In general, we find that the proportion of poor families who are eligible can range from a low of 18% in Newfoundland and Labrador to a high of 87% in Nova Scotia. As is the case for families, we find that the proportion of poor young adults (18 to 35 years) who are eligible for legal aid ranges from a low of 20.7% in Newfoundland and Labrador to a high of 88.1% in Nova Scotia. What this tells us is that the guidelines do not match the low-income cut-offs. And thus, poor families and individuals who may need legal aid would not be financially eligible. What this also demonstrates is that there are differences between the various plans in terms of financial eligibility. There is great disparity between the plans as to how poor applicants must be before they can expect to qualify for legal aid.



Most plans do expressly state that those applicants receiving social assistance are automatically eligible. Social assistance (or welfare) is an income program of last resort for families. It provides money and resources to individuals and families whose incomes are inadequate to even meet their basic needs and who have exhausted all other sources of help. Social assistance varies from province to province. The National Council of Welfare in their annual report on welfare incomes<sup>63</sup> have consistently commented on how low the social assistance income levels are. In

<sup>63</sup> National Council of Welfare. *Welfare Incomes 1999*. [www.ncwcnbes.net/].



fact, they have compared them to the LICO and to average income. They have stated: “In all the years the Council has tracked welfare incomes, we have found that incomes in all parts of Canada fall well below the poverty line and represent a tiny fraction of average incomes.”<sup>64</sup> Basing the legal aid guidelines on social assistance represents only the very poor. It still allows for a significant number of lower income families to be without viable options. For example, the “working poor” would be ineligible to receive legal aid under such conditions. Poverty is closely associated with employment patterns and the number of earners in a household. Over the last two decades, the Canadian economy has failed to provide sufficient numbers of adequate employment. We have seen a deterioration of the quality and security of job opportunities available. The rate of working-poor households in 1997 was 6.7%. The rate of working-poor households has increased by 95% since 1981.<sup>65</sup> These households would be left without any real options.

These findings, of course, do not include the expanded eligibility plans that are found in several of the jurisdictions. Alberta, Manitoba<sup>66</sup> and Quebec have, to some extent, a two- or three-tiered system. Alberta, Manitoba, Ontario and Quebec have set up a contributory system. That is, if the applicants fall within the necessary second or third set of guidelines and are willing to pay some pre-set amount (in Manitoba it can include the full cost of the services), they may be eligible for legal aid. Ontario has established a system whereby an applicant who exceeds the income waivers can still be eligible, if they do not exceed a series of allowances for shelter, basic needs and debts. Overall, these plans show a substantial improvement in the proportion of families who would be eligible. However, in the case of Quebec only 69% of the low income families would be eligible. Almost 100% of poor families would be eligible in Alberta and Manitoba and 95% in Ontario. Again, like the situation for families, the expanded eligibility plans increase the proportion of those low-income 18- to 35-year-olds who may qualify for legal aid. Alberta, Manitoba and Ontario would allow almost 100% of those persons, 18 to 35 years, who have a low income to qualify. In Quebec only 65.8% of young adults in low-income situations would qualify for legal aid. While the expanded eligibility criteria increases the proportion of low-income families, youth aged 18 to 35 years, and the “near-poor” (families and youth) who would be eligible, these data do not tell us whether this type of system acts as a deterrent for those families/young adults to apply for legal aid or what impact having to pay for these services has on their financial viability.<sup>67</sup> It is assumed that those who are “near poor” will be able to cover their legal costs. But, no recent study has assessed the burden of having to pay for legal costs.

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<sup>64</sup> *ibid.*

<sup>65</sup> Ross, David P. et al. *The Canadian Fact Book on Poverty*. Ottawa: CCSD, 2000. pp. 84-85.

<sup>66</sup> In Manitoba we examined only the expanded eligibility not the partial eligibility.

<sup>67</sup> Manitoba and Quebec have studied some of the impacts.



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## Section 5

# Conclusion

It is very difficult to make any conclusive statements about how the plans affect equal access to justice for low income Canadians. Each plan is distinct, with its own rules and regulations for eligibility and coverage, and each applies them with some level of discretion. Ideally, one would want to examine case studies of how the plans apply their guidelines in order to be better able to evaluate how they operate and how their criteria affects low income Canadians. Unfortunately, this was not possible due to data constraints in this area.

Overall, while we cannot make any definitive statements about unmet needs, we can conclude the following:

### *Findings*

- ✓ There is inconsistent coverage *across* the country. Therefore, not all Canadians would be treated equally. There may also be inconsistent coverage *within* jurisdictions.
- ✓ Restrictions in eligibility and a narrower focus on legal aid coverage may have a direct impact on persons with a low income. Only the most serious cases are covered. A plethora of lesser cases and first offences are no longer covered in many of the jurisdictions. According to anecdotal information, a large number of persons are appearing before the courts unrepresented. They may also be more likely to plead guilty, get convicted and receive stricter sentences. What are the implications for their future financial health, employment and educational opportunities?
- ✓ There may be a relationship between stringent financial eligibility guidelines and duty counsel services. Duty counsel services are an essential element of legal aid delivery systems, providing legal representation at the pre-trial stages of the criminal justice system. Duty counsel resources are often stretched to the limit. It is possible that lower financial eligibility may be responsible, in part, for larger numbers of accused who rely on duty counsel as the only legal representation available to them.
- ✓ Although this paper did not directly address the issue of funding, budgetary constraints were mentioned in jurisdictions that were tightening their financial eligibility criteria, decreasing their coverage and limiting duty counsel services. Thus, funding issues, rather than changes in the plans' mandates or philosophies, may be guiding restrictive changes.
- ✓ There is no strict definition of poverty that is applied across all the plans. An applicant on social assistance would qualify in almost all jurisdictions. Beyond that point, the plans vary. The financial eligibility guidelines of most plans fall below the low income cut-offs. Families in rural areas and small communities would be more likely to qualify under most plans' guidelines.

- ✓ Expanded eligibility through contribution systems allows a greater proportion of poor families and youth to qualify for financial eligibility, but it is uncertain whether the contributions place them in situations of financial hardship, or act as a deterrent? The working-poor and the near-poor are in precarious financial situations. Job-loss, injury or illness may result in moving these families onto social assistance.
- ✓ Legal aid plans are not consistent in updating their criteria. This means that as inflation and wages increase, the guidelines stay static. Normally, who we define as poor changes with economic conditions. Because some plans do not regularly update their criteria, they risk excluding an increasing proportion of poor families each year.

### *Future Research*

There are many areas that could be examined to better understand the unmet needs in the legal aid system. But first we need to understand how the plans work and how they treat particular cases. In order to do this, we need to be able to follow similar cases through the coverage restrictions and financial eligibility criteria established by each plan. It would, at the very least, permit us to examine the similarities and differences in a concrete way.

A second area of study that is essential is an examination of those who are denied legal aid, either because the case does not fall within the scope of the plan or because they do not qualify under the financial eligibility criteria. There is only anecdotal evidence of what happens to those who are denied coverage in criminal cases. This would allow further study into the court system and how the accused who are not represented are treated. It could also gather additional information on duty counsel and the impact of their services on low-income Canadians.

TABLE 1

**SUBSTANTIVE COVERAGE**

Province	Y/N	Federal Indictable Offence	Y/N	Summary Conviction Offence	Young Offenders	Exceptions/other Instances	Duty Council	Criminal Appeals
British Columbia	Y	If there is a possibility of going to jail; losing their means of livelihood or chance of being deported.	Y	If there is a possibility of going to jail; losing their means of livelihood or chance of being deported.	Anyone under 18 charged with a federal offence has a legal right to a court order appointing a lawyer paid for by the state. Coverage must be provided regardless of financial eligibility or likelihood of imprisonment.	Also provide representation to those who: (a) do not face imprisonment but have a mental or emotional disability that prevents them from defending themselves and (b) are Aboriginal, and their ability to follow traditional livelihood of hunting and fishing could be affected if they are convicted of an offence. Those who do not meet the eligibility criteria can still receive summary advice.	Provide duty counsel to accused in custody about charges against them, court procedures and their legal rights.	Are covered only if they fall within the regular coverage and have a reasonable chance of succeeding.
Alberta	Y	Cover all federal indictable offences	Y	Summary conviction offences are covered only if, in the opinion of the Legal Aid Society, there is a likelihood of imprisonment or loss of the means to earn a livelihood upon conviction.	The Young Offenders Act grants young people an absolute right to counsel when charged with a criminal offence. This was normally dealt with through the Legal Aid Society.	The Society has the discretion to grant coverage where special circumstances warrant the provision of legal aid.	The Society operate a criminal duty counsel program at courts in all major centres and also in youth court. Also operate full service duty counsel. They provide service to those who are not already in custody. Duty Counsel may apply for adjournments, speak to judicial interim release, enter guilty pleas and speak to sentence.	Coverage is granted to respond to Crown appeals on indictable matters. Coverage for Crown appeals on summary matters is not usually provided unless the original matter is one for which coverage would have been granted, or the Crown is likely to be seeking a sentence of imprisonment. Appeals by the accused must have merit.
Saskatchewan	Y	Cover all federal indictable offences	Y	Only if there is a possibility of going to jail; or, of losing their means of livelihood	Will cover any proceeding found in the Young Offenders Act	The cases must have merit.	Staff lawyers are available to those who are financially eligible.	Crown initiated appeals are covered. Appeals initiated by the accused are covered, only if the case has merit.
Manitoba	Y	Cover all federal indictable offences	Y	The applicant is given a lawyer only if there is a likelihood that s/he will go to jail or lose their job if convicted.	Youth are covered for federal indictable offences. Summary convictions are covered only if there is a danger of imprisonment or loss of livelihood.		Duty counsel is available in criminal matters and Legal Aid Manitoba also provides full service duty counsel for those denied certificates.	Appeals by the Crown are covered only if the accused was eligible for coverage at the onset. Appeals by the accused are covered only the accused has received a jail sentence and his/her case has merit.
Prince Edward Island	Y	Cover all federal indictable offences	Y	Summary conviction offences are covered. The likelihood of imprisonment test is not applied to deny coverage but it may be used on a discretionary basis to limit services to minor matters.	YOA coverage is provided in all indictable and summary criminal matters. Financial eligibility rules are liberally construed in favour of the young person.		Staff lawyers are available at legal aid offices during business hours to provide legal advice and assistance in criminal matters to applicants who may be financially eligible for legal aid.	Appeals by the Crown are covered in criminal matters for both youth and adults. The case must have merit or else appeals by the accused are not covered

Province	Federal Indictable Offence	Y/N	Summary Conviction Offence	Y/N	Young Offenders	Exceptions/other Instances	Duty Council	Criminal Appeals
New Brunswick	Cover all federal indictable offences	Y	Some summary offences – most criminal matter applications which are refused by the plan involve a summary conviction with a low probability of jail if convicted.	Y	If the court directs that counsel be appointed for a youth, it falls under the purview of the provincial Department of Justice. <b>Most youth will already have received service</b>	The Act allows for the Area Administrator to refuse to provide a certificate by reason that the applicant has been convicted of a similar offence in the past.	Duty Counsel is provided in all criminal courts. They also operate full service duty counsel	Appeals brought forward by the accused must have merit, be reasonable and have a strong probability of success before they are granted. Appeals are also covered in response to Crown initiated appeals. The same rules apply for youth.
Nova Scotia	Cover all federal indictable offences	Y	Only if there is a probability of going to jail.	Y	<b>Youth are covered</b>		Nova Scotia does not have a formal duty counsel service. There is an informal service providing summary services.	Appeals are covered in criminal cases for both adults and youth.
Newfoundland	Cover all federal indictable offences	Y	Only if there is a likelihood of imprisonment; there is a possible defence to that charge; there are circumstances that would mitigate the severity of the punishment that would be imposed; because of extraordinary circumstances in which it would be in the best interest of the client		Youth are covered for all federal indictable offences and summary conviction offences.		Duty counsel services are available in most of the criminal and youth courts.	Appeals in criminal charges are covered if the case has merit or the Crown requests one. The same applies to youth.
Quebec	Cover all federal indictable offences	Y	Summary conviction offences are covered only if there is a likelihood of imprisonment or loss of the means to earn a livelihood upon conviction.	Y	Youth are covered.		Duty counsel services are provided as a right, by staff lawyers, in all criminal courts.	Appeals by the Crown are covered. Appeals by the applicant are evaluated on a case by case basis.
Ontario	Only if there is a probability of going to jail.	Y	Certificates are no longer issued when a person may lose their job or means of earning a living as a result. The new area added to the their coverage restrictions states that applicants charged with less serious offences, where there is no probability of going to jail may be able to get help from duty counsel lawyers in the courtroom.		Younger persons have a wider range of coverage and services granted to them because of the Young Offenders Act.	Systemic factors (type of offence, judicial practices in sentencing and Crown practices in prosecuting ) and personal factors (mental competency of the applicant, whether or not they have been refused bail, or some disability that diminishes their capacity to be treated fairly) are taken into consideration.	Duty Counsel is available to clients who meet a simplified income and asset test to the criteria for receiving full services. People in custody and young offenders are excluded from testing .	Criminal appeals are covered if appeal must have merit, is reasonable, and has a strong probability of success. Crown appeals are also covered. The same rules apply for youth.



**Table 2  
Applications for Legal Aid**

Province/Year	Total Criminal Applications Received*	Total Criminal Applications Accepted	% of criminal applications accepted	Duty Counsel Services for Criminal Matters	Total Criminal Applications Refused	% of refused criminal applications	Refused for reasons of		
							Financial Ineligibility	Other Reasons (coverage restrictions, lack of merit, etc)	
							#	% of total refused	#
British Columbia									
1997-98	41,697	28,702	69		12,995	31	..	...	...
1998-99	39,523	28,043	71		11,480	29	3,141	27	8,339
1999-00	38,409	27,479	72		10,930	28	3,172	29	7,758
Alberta									
1997-98	24,802	20,646	83	54,410	4,156	17	1,937	47	2,219
1998-99	27,370	22,253	81	56,723	5,117	19	1,512	30	3,605
1999-00	29,019	23,378	81	60,700	5,641	19	1,595	28	4,046
Saskatchewan									
1997-98	17,662	16,550	94	8,340	1,112	6	848	76	264
1998-99	17,985	16,971	94	8,423	1,014	6	773	76	241
1999-00	17,858	16,419	92	8,354	925	5	712	77	213
Manitoba									
1997-98	11,429	7,959	70		1,292	11	83	6	1,209
1998-99	11,572	8,580	74		858	7	101	12	757
1999-00	11,838	8,871	75		1,003	8	108	11	895
Ontario									
1997-98	....	54,890	....	491,974	18,971	....	3,535	19	15,436
1998-99	.....	61,250	....	505,754	23,096	....	4,040	17	19,056
1999-00	....	62,054	....	513,996	17,343	....	....	....	....
Quebec									
1997-98	96,917	77,071	80		17,009	18	7,048	41	9,961
1998-99	95,209	78,084	82		13,901	15	6,954	50	6,947
1999-00	95,625	77,525	81		13,681	14	7,626	56	6,055

Province/Year	Total Criminal Applications Received*	Total Criminal Applications Accepted	% of criminal applications accepted	Duty Counsel Services for Criminal Matters	Total Criminal Applications Refused	% of refused criminal applications	Financial Ineligibility		Other Reasons (coverage restrictions, lack of merit, etc)	
							#	% of total refused	#	% of total refused
New Brunswick	2,436	1,400	57	15,809	784	32	...	...	...	...
1997-98	1,969	1,278	65	14,335	691	35	...	...	...	...
1998-99	2,026	1,285	63	14,695	745	37	...	...	...	...
Nova Scotia	11,499	9,718	85	134	877	8	36	562	64	64
1997-98	11,799	8,996	76	1,230	749	6	33	500	67	67
1998-99	15,653	9,745	62	4,507	833	5	41	489	59	59
1999-00										
Newfoundland	9,069	7,173	79	3,980	1,896	21	15	1,607	85	85
1997-98	8435e	...	...	...	...	...	...	...	...	...
1998-99	...	...	...	...	...	...	...	...	...	...
1999-00	...	...	...	...	...	...	...	...	...	...
PEI**	...	1,193	...	...	...	...	...	...	...	...
1997-98	...	1,019	...	...	...	...	...	...	...	...
1998-99	...	1,133	...	...	...	...	...	...	...	...
1999-00	...	...	...	...	...	...	...	...	...	...

The data reflecting applications approved and refused will not necessarily match the total number of applications.

There are 2 reasons for this :

- 1) Decision to accept or reject may not take place during the same period an application is made.
- 2) The accepted and refused applications refer to full service applications, the total number of applications takes into account the summary services .

\*\* Only counts of approved applications are maintained.

Source: Statistics Canada. Canadian Centre for Justice Statistics. *Legal Aid in Canada: Resources And Caseload Data Tables, 1999-2000*. Catalogue no. 85F0028-XIE, August 2001.

TABLE 3

## Legal Aid - Selected Indicators

Province (criteria last updated)	Income definition		Family definition	Asset Test	Maximum income levels \$ (full and automatic eligibility)			Client Contributions		Expanded Eligibility		Administration fee	
	Net or gross	deductions			Y/N	Personal exemption	1 person	2 people	3 people	Y/N	Circumstances		Y/N
British Columbia (2000)	Net income	Child tax benefit, family bonus, tuition and book fees, day care expenses, child support payments and alimony payments, court fines, medications, interpreter if need for court case	Family size	Y	\$2000 for individual up to \$6000 for 6 person family. \$5000 equity in a car, \$10,000 total share of disposable income.	11,100	16,656	19,440	Yes	All must pay some form of contribution. There is a sliding scale depending on income. It is up To a maximum of \$100	No		None.
Alberta (2001)	Gross income		Family size	N	No set guidelines. But, if they can liquidate assets, they will be asked to do so	13,900	16,800	22,600	Yes	Assessed on a case-by-case basis. Alberta legal aid is not free for anyone.	Yes	They have an income range that is meant for applicants who will pay.	None.
	<i>Contribution</i>					21,500	27,300	29,400					
Saskatchewan (1997)	Net income	Child tax benefit, Sask Child benefit and Sask employment supplement	Family size (Their use of "family" can mean either a single or two-person family)	Y	<\$1,500 for 1 person to a max of \$3,500 for families with 1 to 8 children	9420	11,400	12,300 to 15,000	Yes	If above social assistance, they may be asked to contribute.	No		None
Manitoba (2000)	Gross income	Child tax benefit	family size	Y	All assets are assessed. Overall, Not more \$5,000 in liquid assets, \$10,000 for a car and \$35,000 equity in a home.	14,000	18,000	23,000	Yes	Assessed on a case by case basis. Depends on assets and ability to pay.	Yes	Partial contributions are negotiated. Expanded eligibility requires full contribution.	\$25
	<i>Partial contribution</i>					16,000	27,300	29,400					
	<i>Full contribution</i>					23,000	27,000	31,000					
Ontario (1996)	Net income	CPP, EI , day care costs, support paid, Child tax benefit	Family size	Y	Single person \$1,100 to \$2,500 for 3 people	7,212	12,900	13,644	Yes	Case by case basis depending on disposable income.	No.		None
	<i>Maximum limit</i>					13,068	21,82	25,440					

Province (criteria last updated)	Income definition		Family definition	Asset Test Y/N	Personal exemption	Maximum income levels \$ (full and automatic eligibility)			Client Contributions		Expanded Eligibility		Administration fee \$
	Net or gross	deductions				1 person	2 people	3 people	Y/N	Circumstances	Y/N	max \$ amount payable	
Quebec (1996)	Gross income	Child tax benefit, children's special allowances, family assistance, GST/PST tax credit, tax credit for care of elderly, Parental wage assistance benefits, social housing benefits	Family type. Consolidates the number of children to 2+.	Y	Two scales. Property : Applicant/spouse owner of residence \$90,000; not owner of residence \$47,500. Liquid assets: single person: \$2,500 and family: \$5,000	8,870	12,500	15,000	No	Not if below the first set of guidelines.	Yes	Fixed amounts between \$100 to \$800.	\$50 is charged to those who are eligible under a contribution. It is deducted from the amount owing in the end.
	Contribution					12,640	17,813	21,375					
NB	Gross income	Child tax benefit	Family size						Yes	Case by case basis depending on whether the applicant has enough disposable income. They are "worked out" arrangements	No.		none
Nova Scotia (1998)	Gross income	Child tax benefit	Family type	Y	Case by case basis. Income is the primary factor in eligibility	12,804	16,992 to 17,088	20,400 to 20,496	Yes	The Commission can, if they feel that the applicant can contribute some amount.	No.		None.
PEI (2001)	Gross income		Family size	N	Can be asked to liquidate if needed.	14,176	17,720	22,037	Maybe	Case by case basis	No.		None
Newfoundland (1997)	Net income	CPP, EI and group insurance and pension. "Take home pay"	Family type and size	Y	Case by case basis.	4,716	5,808 to 6,492	6,324 to 6,960	Yes	When the area director determines the applicant can pay some part, they can enter into an agreement.	No.		None

**Table 4-1  
British Columbia**

**Rural areas**

Household size	LICO equivalent (economic family)	Income Guideline	Income + Asset Guideline	After-tax Lico	Difference between LICO and Income	Difference between LICO and Income + assets
1	1	9,996	11,996	9,514	-482	-2,482
2	2	15,000	19,000	11,608	-3,392	-7,392
3	3	17,496	21,996	14,681	-2,815	-7,315
4	4	19,344	24,344	18,285	-1,059	-6,059
5	5	21,336	26,836	20,438	-898	-6,398
6	6	23,184	29,184	22,590	-594	-6,594
7+	7+	24,780	30,780	24,744	-36	-6,036

**Urban areas: Population less than 30,000**

Household size	LICO equivalent (economic family)	Income Guideline	Income + Asset Guideline	After-tax Lico	LICO minus Guideline	Difference between LICO and Income + assets
1	1	9,996	11,996	10,995	999	-1,001
2	2	15,000	19,000	13,418	-1,582	-5,582
3	3	17,496	21,996	16,970	-526	-5,026
4	4	19,344	24,344	21,136	1,792	-3,208
5	5	21,336	26,836	23,623	2,287	-3,213
6	6	23,184	29,184	26,110	2,926	-3,074
7+	7+	24,780	30,780	28,596	3,816	-2,184

**Urban areas: Population 30,000 to 99,999**

Household size	LICO equivalent (economic family)	Income Guideline	Income + Asset Guideline	After-tax Lico	LICO minus Guideline	Difference between LICO and Income + assets
1	1	\$9,996	\$11,996	\$12,034	2,038	38
2	2	\$15,000	\$19,000	\$14,682	-318	-4,318
3	3	\$17,496	\$21,996	\$18,571	1,075	-3,425
4	4	\$19,344	\$24,344	\$23,129	3,785	-1,215
5	5	\$21,336	\$26,836	\$25,851	4,515	-985
6	6	\$23,184	\$29,184	\$28,573	5,389	-611
7+	7+	\$24,780	\$30,780	\$31,294	6,514	514

**Urban areas: Population 100,000 to 499,999**

Household size	LICO equivalent (economic family)	Income Guideline	Income + Asset Guideline	After-tax Lico	LICO minus Guideline	Difference between LICO and Income + assets
1	1	9,996	11,996	12,223	2,227	227
2	2	15,000	19,000	14,913	-87	-4,087
3	3	17,496	21,996	18,863	1,367	-3,133
4	4	19,344	24,344	23,493	4,149	-851
5	5	21,336	26,836	26,258	4,922	-578
6	6	23,184	29,184	29,022	5,838	-162
7+	7+	24,780	30,780	31,787	7,007	1,007

**Urban areas: Population 500,000 and over**

Household size	LICO equivalent (economic family)	Income Guideline	Income + Asset Guideline	After-tax Lico	LICO minus Guideline	Difference between LICO and Income + assets
1	1	9,996	11,996	14,510	4,514	2,514
2	2	15,000	19,000	17,705	2,705	-1,295
3	3	17,496	21,996	22,392	4,896	396
4	4	19,344	24,344	27,890	8,546	3,546
5	5	21,336	26,836	31,172	9,836	4,336
6	6	23,184	29,184	34,454	11,270	5,270
7+	7+	24,780	30,780	37,735	12,955	6,955

Table 4-2

ALBERTA

Rural areas

Number in Family	LICO equivalent (economic family)	Annual Allowable Gross Income -- Free legal aid	Expanded Eligibility through contribution level	LICO - Before tax	Difference between LICO and Income Guideline	Difference between LICO and Expanded Eligibility (Contribution)
1	1	\$13,250	20,496	12,142	-\$1,108	-\$8,354
2	2	\$16,000	26,004	15,178	-\$822	-\$10,826
3	3	\$21,500	27,996	18,877	-\$2,623	-\$9,119
4	4	\$24,000	30,996	22,849	-\$1,151	-\$8,147
5	5	\$27,500	32,778	25,542	-\$1,958	-\$7,236
6	6	\$30,000	36,600	28,235	-\$1,765	-\$8,365
7+	7+	\$33,000	39,996	30,928	-\$2,072	-\$9,068

Urban areas: Population less than 30,000

Number in Family	LICO equivalent (economic family)	Annual Allowable Gross Income	Expanded Eligibility through contribution level	LICO - Before tax	Difference between LICO and Income Guideline	Difference between LICO and Expanded Eligibility (Contribution)
1	1	13,250	20,496	13,924	674	-6,572
2	2	16,000	26,004	17,405	1,405	-8,599
3	3	21,500	27,996	21,647	147	-6,349
4	4	24,000	30,996	26,205	2,205	-4,791
5	5	27,500	32,778	29,293	1,793	-3,485
6	6	30,000	36,600	32,379	2,379	-4,221
7+	7+	33,000	39,996	35,467	2,467	-4,529

Urban areas : Population 30,000 to 99,000

Number in Family	LICO equivalent (economic family)	Annual Allowable Gross Income -- Free legal aid	Expanded Eligibility through contribution level	LICO - Before tax	Difference between LICO and Income Guideline	Difference between LICO and Expanded Eligibility (Contribution)
1	1	13,250	20,496	14,965	1,715	-5,531
2	2	16,000	26,004	18,706	2,706	-7,298
3	3	21,500	27,996	23,264	1,764	-4,732
4	4	24,000	30,996	28,162	4,162	-2,834
5	5	27,500	32,778	31,481	3,981	-1,297
6	6	30,000	36,600	34,798	4,798	-1,802
7+	7+	33,000	39,996	38,117	5,117	-1,879

Urban areas: Population 100,000 to 499,999

Number in Family	LICO equivalent (economic family)	Annual Allowable Gross Income -- Free legal aid	Expanded Eligibility through contribution level	LICO - Before tax	Difference between LICO and Income Guideline	Difference between LICO and Expanded Eligibility (Contribution)
1	1	\$13,250	20,496	\$15,070	\$1,820	-\$5,426
2	2	\$16,000	26,004	\$18,837	\$2,837	-\$7,167
3	3	\$21,500	27,996	\$23,429	\$1,929	-\$4,567
4	4	\$24,000	30,996	\$28,359	\$4,359	-\$2,637
5	5	\$27,500	32,778	\$31,701	\$4,201	-\$1,077
6	6	\$30,000	36,600	\$35,043	\$5,043	-\$1,557
7+	7+	\$33,000	39,996	\$38,385	\$5,385	-\$1,611

Urban areas: Population 500,000 and over

Number in Family	LICO equivalent (economic family)	Annual Allowable Gross Income -- Free legal aid	Expanded Eligibility through contribution level	LICO - Before tax	Difference between LICO and Income Guideline	Difference between Maximum range ad LICO
1	1	\$13,250	20,496	17,571	\$4,321	-\$2,925
2	2	\$16,000	26,004	21,962	\$5,962	-\$4,042
3	3	\$21,500	27,996	27,315	\$5,815	-\$681
4	4	\$24,000	30,996	33,063	\$9,063	\$2,067
5	5	\$27,500	32,778	36,958	\$9,458	\$4,180
6	6	\$30,000	36,600	40,855	\$10,855	\$4,255
7+	7+	\$33,000	39,996	44,751	\$11,751	\$4,755

Source: Legal Aid Alberta. Annual Report 1998.  
(www.legalaid.ba.ca)

Table 4-3

**Saskatchewan****Rural areas**

Family Unit**	LICO (equivalent) economic family	Max Net Annual Income	Max Net Annual Income + Max Liquid Assets	LICO - After- tax	Difference between LICO and Income	Difference between LICO and Income + assets
Single	1	9,420	\$10,920	9,514	94	-\$1,406
Couple without children	2	\$11,400	\$14,400	11,608	208	-\$2,792
Family with one child (1 parent and 1 child)	2	\$12,300	\$15,800	11,608	-692	-\$4,192
Family with one child (Couple with 1 child)	3	\$12,300	\$15,800	14,681	2,381	-\$1,119
Family with two children (1 parent with 2 children)	3	\$15,000	\$18,500	14,681	-319	-\$3,819
Family with two children (Couple with 2 children)	4	\$15,000	\$18,500	18,285	3,285	-\$215
Family with three children (1 parent with 3 children)	4	\$17,700	\$21,200	18,285	585	-\$2,915
Family with three children (Couple with 3 children)	5	\$17,700	\$21,200	20,438	2,738	-\$762
Family with four children (1 parent with 4 children)	5	\$20,400	\$23,900	20,438	38	-\$3,462
Family with four children (couple with 4 children)	6	\$20,400	\$23,900	22,590	2,190	-\$1,310
Family with five children (1 parent and 5 children)	6	\$23,100	\$26,600	22,590	-510	-\$4,010
Family with five children ( couple with 5 children)	7+	\$23,100	\$26,600	24,744	1,644	-\$1,856
Family with six children (1 parent and 6 children)	7+	\$25,800	\$29,300	24,744	-1,056	-\$4,556
Family with six children (2 parents and 6 children)	7+	\$25,800	\$29,300	24,744	-1,056	-\$4,556
Family with seven children (1 parent and 7 children)	7+	\$27,900	\$31,400	24,744	-3,156	-\$6,656
Family with seven children (2 parents and 7 children)	7+	\$27,900	\$31,400	24,744	-3,156	-\$6,656
Family with eight children (1 parent 8 children)	7+	\$30,420	\$33,920	24,744	-5,676	-\$9,176
Family with eight children (2 parents 8 children)	7+	\$30,420	\$33,920	24,744	-5,676	-\$9,176

\*\* Family size: "Family" can include either single-parent family or 2-parent family.

**Urban areas: Population less than 30,000**

Family Unit**	LICO (equivalent) economic family	Max Net Annual Income	Max Net Annual Income + Max Liquid Assets	LICO - After- tax	Difference between LICO and Income	Difference between LICO and Income + assets
Single	1	9,420	\$10,920	10,995	1,575	\$75
Couple without children	2	\$11,400	\$14,400	13,418	2,018	-\$982
Family with one child (1 parent and 1 child)	2	\$12,300	\$15,800	13,418	1,118	-\$2,382
Family with one child (Couple with 1 child)	3	\$12,300	\$15,800	16,970	4,670	\$1,170
Family with two children (1 parent with 2 children)	3	\$15,000	\$18,500	16,970	1,970	-\$1,530
Family with two children (Couple with 2 children)	4	\$15,000	\$18,500	21,136	6,136	\$2,636
Family with three children (1 parent with 3 children)	4	\$17,700	\$21,200	21,136	3,436	-\$64
Family with three children (Couple with 3 children)	5	\$17,700	\$21,200	23,623	5,923	\$2,423
Family with four children (1 parent with 4 children)	5	\$20,400	\$23,900	23,623	3,223	-\$277
Family with four children (couple with 4 children)	6	\$20,400	\$23,900	26,110	5,710	\$2,210
Family with five children (1 parent and 5 children)	6	\$23,100	\$26,600	26,110	3,010	-\$490
Family with five children ( couple with 5 children)	7+	\$23,100	\$26,600	28,596	5,496	\$1,996
Family with six children (1 parent and 6 children)	7+	\$25,800	\$29,300	28,596	2,796	-\$704
Family with six children (2 parents and 6 children)	7+	\$25,800	\$29,300	28,596	2,796	-\$704
Family with seven children (1 parent + 7 children)	7+	\$27,900	\$31,400	28,596	696	-\$2,804
Family with seven children (2 parents + 7 children)	7+	\$27,900	\$31,400	28,596	696	-\$2,804
Family with eight children (1 parent + 8 children)	7+	\$30,420	\$33,920	28,596	-1,824	-\$5,324
Family with eight children (2 parents + 8 children)	7+	\$30,420	\$33,920	28,596	-1,824	-\$5,324

\*\* Family size: "Family" can include either single-parent family or 2-parent family.

**Urban areas: Population 30,000 to 99,999**

<b>Family Unit**</b>	LICO (equivalent) economic family	Max Net Annual Income	Max Net Annual Income + Max Liquid Assets	LICO - After- tax	Difference between LICO and Income	Difference between LICO and Income + assets
Single	1	9,420	\$10,920	12,034	2,614	\$1,114
Couple without children	2	\$11,400	\$14,400	14,682	3,282	\$282
Family with one child (1 parent and 1 child)	2	\$12,300	\$15,800	14,682	2,382	-\$1,118
Family with one child (Couple with 1 child)	3	\$12,300	\$15,800	18,571	6,271	\$2,771
Family with two children (1 parent with 2 children)	3	\$15,000	\$18,500	18,571	3,571	\$71
Family with two children (Couple with 2 children)	4	\$15,000	\$18,500	23,129	8,129	\$4,629
Family with three children (1 parent with 3 children)	4	\$17,700	\$21,200	23,129	5,429	\$1,929
Family with three children (Couple with 3 children)	5	\$17,700	\$21,200	25,851	8,151	\$4,651
Family with four children (1 parent with 4 children)	5	\$20,400	\$23,900	25,851	5,451	\$1,951
Family with four children (couple with 4 children)	6	\$20,400	\$23,900	28,573	8,173	\$4,673
Family with five children (1 parent and 5 children)	6	\$23,100	\$26,600	28,573	5,473	\$1,973
Family with five children ( couple with 5 children)	7+	\$23,100	\$26,600	28,573	5,473	\$1,973
Family with six children 2 parents and 6 children)	7+	\$25,800	\$29,300	31,294	5,494	\$1,994
Family with six children (1 parent and 6 children)	7+	\$25,800	\$29,300	31,294	5,494	\$1,994
Family with seven children (1 parent and 7 children)	7+	\$27,900	\$31,400	31,294	3,394	-\$106
Family with seven children (2 parents and 7 children)	7+	\$27,900	\$31,400	31,294	3,394	-\$106
Family with eight children (1 parent and 8 children)	7+	\$30,420	\$33,920	31,294	874	-\$2,626
Family with eight children (2 parents and 8 children)	7+	\$30,420	\$33,920	31,294	874	-\$2,626

\*\* Family size: "Family" can include either single-parent family or 2-parent family.

**Urban areas: Population 100,000 to 499,999**

<b>Family Unit**</b>	LICO (equivalent) economic family	Max Net Annual Income	Max Net Annual Income + Max Liquid Assets	LICO - After- tax	Difference between LICO and Income	Difference between LICO and Income + assets
Single	1	9,420	\$10,920	12,223	2,803	\$1,303
Couple without children	2	\$11,400	\$14,400	14,913	3,513	\$513
Family with one child (1 parent and 1 child)	2	\$12,300	\$15,800	14,913	2,613	-\$887
Family with one child (Couple with 1 child)	3	\$12,300	\$15,800	18,863	6,563	\$3,063
Family with two children (1 parent with 2 children)	3	\$15,000	\$18,500	18,863	3,863	\$363
Family with two children (Couple with 2 children)	4	\$15,000	\$18,500	23,493	8,493	\$4,993
Family with three children (1 parent with 3 children)	4	\$17,700	\$21,200	23,493	5,793	\$2,293
Family with three children (Couple with 3 children)	5	\$17,700	\$21,200	26,258	8,558	\$5,058
Family with four children (1 parent with 4 children)	5	\$20,400	\$23,900	26,258	5,858	\$2,358
Family with four children (couple with 4 children)	6	\$20,400	\$23,900	29,022	8,622	\$5,122
Family with five children (1 parent and 5 children)	6	\$23,100	\$26,600	29,022	5,922	\$2,422
Family with five children ( couple with 5 children)	7+	\$23,100	\$26,600	31,787	8,687	\$5,187
Family with six children (1 parent and 6 children)	7+	\$25,800	\$29,300	31,787	5,987	\$2,487
Family with six children (2 parents and 6 children)	7+	\$25,800	\$31,400	31,787	3,887	\$387
Family with seven children ( 1 parent and 7 children)	7+	\$27,900	\$31,400	31,787	3,887	\$387
Family with seven children ( 2 parents and 7 children)	7+	\$27,900	\$33,920	31,787	1,367	-\$2,133
Family with eight children (1 parent and 8 children)	7+	\$30,420	\$33,920	31,787	1,367	-\$2,133
Family with eight children (2 parents and 8 children)	7+	\$30,420	\$3,500	31,787	31,787	\$28,287

\*\* Family size: "Family" can include either single-parent family or 2-parent family.



**Urban areas: Population 500,000 and over**

<b>Family Unit**</b>	LICO (equivalent economic family)	Max Net Annual Income	Max Net Annual Income + Max Liquid Assets	LICO - After-tax	Difference between LICO and Income	Difference between LICO and Income + assets
Single	1	9,420	\$10,920	14,510	5,090	\$3,590
Couple without children	2	\$11,400	\$14,400	17,705	6,305	\$3,305
Family with one child (1 parent and 1 child)	2	\$12,300	\$15,800	17,705	5,405	\$1,905
Family with one child (Couple with 1 child)	3	\$12,300	\$15,800	22,392	10,092	\$6,592
Family with two children (1 parent with 2 children)	3	\$15,000	\$18,500	22,392	7,392	\$3,892
Family with two children (Couple with 2 children)	4	\$15,000	\$18,500	27,890	12,890	\$9,390
Family with three children (1 parent with 3 children)	4	\$17,700	\$21,200	27,890	10,190	\$6,690
Family with three children (Couple with 3 children)	5	\$17,700	\$21,200	31,172	13,472	\$9,972
Family with four children (1 parent with 4 children)	5	\$20,400	\$23,900	31,172	10,772	\$7,272
Family with four children (couple with 4 children)	6	\$20,400	\$23,900	34,454	14,054	\$10,554
Family with five children (1 parent and 5 children)	6	\$23,100	\$26,600	34,454	11,354	\$7,854
Family with five children ( couple with 5 children)	7+	\$23,100	\$26,600	37,735	14,635	\$11,135
Family with six children (1 parent and 6 children)	7+	\$25,800	\$29,300	37,735	11,935	\$8,435
Family with six children (2 parent and 6 children)	7+	\$25,800	\$29,300	37,735	11,935	\$8,435
Family with seven children (1 parent and 7 children)	7+	\$27,900	\$31,400	37,735	9,835	\$6,335
Family with seven children (2 parents and 7 children)	7+	\$27,900	\$31,400	37,735	9,835	\$6,335
Family with eight children (1 parent and 8 children)	7+	\$30,420	\$33,920	37,735	7,315	\$3,815
Family with eight children (2 parents and 8 children)	7+	\$30,420	\$33,920	37,735	7,315	\$3,815

\*\* Family size: "Family" can include either single-parent family or 2-parent family.

**Table 4-4  
Manitoba**

**Rural areas**

Family Size	LICO equivalent (economic family)	Fully Eligible	Eligible—Full Contribution	LICO - Before tax	Difference between LICO and Income	Difference between LICO and Expanded Eligibility (Full contribution)
1	1	\$12,000	\$21,500	12,142	\$142	-\$9,358
2	2	\$16,000	\$25,000	15,178	-\$822	-\$9,822
3	3	\$21,500	\$29,000	18,877	-\$2,623	-\$10,123
4	4	\$25,000	\$31,500	22,849	-\$2,151	-\$8,651
5	5	\$29,000	\$35,000	25,542	-\$3,458	-\$9,458
6	6	\$31,500	\$38,000	28,235	-\$3,265	-\$9,765
7+	7+	\$35,000	\$41,000	30,928	-\$4,072	-\$10,072

**Urban areas: Population less than 30,000**

Family Size	LICO equivalent (economic family)	Fully Eligible	Eligible—Full Contribution	LICO - Before tax	Difference between LICO and Income	Difference between LICO and Expanded Eligibility (Full contribution)
1	1	\$12,000	\$21,500	13,924	1,924	-\$7,576
2	2	\$16,000	\$25,000	17,405	1,405	-\$7,595
3	3	\$21,500	\$29,000	21,647	147	-\$7,353
4	4	\$25,000	\$31,500	26,205	1,205	-\$5,295
5	5	\$29,000	\$35,000	29,293	293	-\$5,707
6	6	\$31,500	\$38,000	32,379	879	-\$5,621
7+	7+	\$35,000	\$41,000	35,467	467	-\$5,533

**Urban areas: Population 30,000 to 99,999**

Family Size	LICO equivalent (economic family)	Fully Eligible	Eligible—Full Contribution	LICO - Before tax	Difference between LICO and Income	Difference between LICO and Expanded Eligibility (Full contribution)
1	1	\$12,000	\$21,500	14,965	\$2,965	-\$6,535
2	2	\$16,000	\$25,000	18,706	\$2,706	-\$6,294
3	3	\$21,500	\$29,000	23,264	\$1,764	-\$5,736
4	4	\$25,000	\$31,500	28,162	\$3,162	-\$3,338
5	5	\$29,000	\$35,000	31,481	\$2,481	-\$3,519
6	6	\$31,500	\$38,000	34,798	\$3,298	-\$3,202
7+	7+	\$35,000	\$41,000	38,117	\$3,117	-\$2,883

**Urban areas: Population 100,000 to 499,999**

Family Size	LICO equivalent (economic family)	Fully Eligible	Eligible—Full Contribution	LICO - Before tax	Difference between LICO and Income	Difference between LICO and Expanded Eligibility (Full contribution)
1	1	\$12,000	\$21,500	\$15,070	\$3,070	-\$6,430
2	2	\$16,000	\$25,000	\$18,837	\$2,837	-\$6,163
3	3	\$21,500	\$29,000	\$23,429	\$1,929	-\$5,571
4	4	\$25,000	\$31,500	\$28,359	\$3,359	-\$3,141
5	5	\$29,000	\$35,000	\$31,701	\$2,701	-\$3,299
6	6	\$31,500	\$38,000	\$35,043	\$3,543	-\$2,957
7+	7+	\$35,000	\$41,000	\$38,385	\$3,385	-\$2,615

**Urban areas: Population 500,000 and over**

Family Size	LICO equivalent (economic family)	Fully Eligible	Eligible—Full Contribution	LICO - Before tax	Difference between LICO and Income	Difference between LICO and Expanded Eligibility (Full contribution)
1	1	\$12,000	\$21,500	17,571	\$5,571	-\$3,929
2	2	\$16,000	\$25,000	21,962	\$5,962	-\$3,038
3	3	\$21,500	\$29,000	27,315	\$5,815	-\$1,685
4	4	\$25,000	\$31,500	33,063	\$8,063	\$1,563
5	5	\$29,000	\$35,000	36,958	\$7,958	\$1,958
6	6	\$31,500	\$38,000	40,855	\$9,355	\$2,855
7+	7+	\$35,000	\$41,000	44,751	\$9,751	\$3,751

**Tables 4-5  
Ontario**

**Rural Areas**

**Basic, Shelter & Debt Allowance**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income and assets)
One	One	\$13,068	\$14,068	9,514	-\$3,554	-\$4,554
Two	Two	\$21,852	\$23,352	11,608	-\$10,244	-\$11,744
Three	Three	\$25,440	\$27,440	14,681	-\$10,759	-\$12,759
Four	Four	\$29,352	\$31,352	18,285	-\$11,067	-\$13,067
Five and over	Five	\$33,264	\$35,264	20,438	-\$12,826	-\$14,826
Five and over	Six	\$33,264	\$35,264	22,590	-\$10,674	-\$12,674
Five and over	Seven	\$33,264	\$35,264	24,744	-\$8,520	-\$10,520

**Boarder Allowance (Paying) & Debt Allowance Rural areas**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	income+assets	LICO Level	LICO minus income	LICO minus (income and assets)
One	One	\$9,216	\$10,216	9,514	\$298	-\$702
Two	Two	\$15,024	\$16,524	11,608	-\$3,416	-\$4,916
Three	Three	\$17,256	\$19,256	14,681	-\$2,575	-\$4,575
Four	Four	\$19,380	\$21,380	18,285	-\$1,095	-\$3,095
Five and over	Five	\$21,600	\$23,600	20,438	-\$1,162	-\$3,162
Five and over	Six	\$21,600	\$23,600	22,590	\$990	-\$1,010
Five and over	Seven	\$21,600	\$23,600	24,744	\$3,144	\$1,144

**Boarder Allowance (Non paying) & Debt Allowance Rural areas**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income and assets)
One	One	\$4,248	\$5,248	9,514	\$5,266	\$4,266
Two	Two	\$7,224	\$8,724	11,608	\$4,384	\$2,884
Three	Three	\$9,264	\$11,264	14,681	\$5,417	\$3,417
Four	Four	\$11,304	\$13,304	18,285	\$6,981	\$4,981
Five and over	Five	\$13,344	\$15,344	20,438	\$7,094	\$5,094
Five and over	Six	\$13,344	\$15,344	22,590	\$9,246	\$7,246
Five and over	Seven	\$13,344	\$15,344	24,744	\$11,400	\$9,400

**Income Waiver Levels Rural areas**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income and assets)
One	One	\$7,212	\$8,212	9,514	\$2,302	\$1,302
Two	Two	\$12,900	\$14,400	11,608	-\$1,292	-\$2,792
Three	Three	\$13,644	\$15,644	14,681	\$1,037	-\$963
Four and over	Four	\$15,372	\$17,372	18,285	\$2,913	\$913
Four and over	Five	\$15,372	\$17,372	20,438	\$5,066	\$3,066
Four and over	Six	\$15,372	\$17,372	22,590	\$7,218	\$5,218
Four and over	Seven	\$15,372	\$17,372	24,744	\$9,372	\$7,372

**Tables 4-5**

**Ontario**

**Urban areas: Population less than 30,000**

**Basic, Shelter & Debt Allowance**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LAP income level minus LICO amount	LAP income & asset level minus LICO amount
One	One	\$13,068	\$14,068	\$10,995	-\$2,073	-\$3,073
Two	Two	\$21,852	\$23,352	\$13,418	-\$8,434	-\$9,934
Three	Three	\$25,440	\$27,440	\$16,970	-\$8,470	-\$10,470
Four	Four	\$29,352	\$31,352	\$21,136	-\$8,216	-\$10,216
Five and over	Five	\$33,264	\$35,264	\$23,623	-\$9,641	-\$11,641
Five and over	Six	\$33,264	\$35,264	\$26,110	-\$7,154	-\$9,154
Five and over	Seven	\$33,264	\$35,264	\$28,596	-\$4,668	-\$6,668

**Boarder Allowance (Paying) & Debt Allowance**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LAP income level minus LICO amount	LAP income & asset level minus LICO amount
One	One	\$9,216	\$10,216	10,995	\$1,779	\$779
Two	Two	\$15,024	\$16,524	13,418	-\$1,606	-\$3,106
Three	Three	\$17,256	\$19,256	16,970	-\$286	-\$2,286
Four	Four	\$19,380	\$21,380	21,136	\$1,756	-\$244
Five and over	Five	\$21,600	\$23,600	23,623	\$2,023	\$23
Five and over	Six	\$21,600	\$23,600	26,110	\$4,510	\$2,510
Five and over	Seven	\$21,600	\$23,600	28,596	\$6,996	\$4,996

**Boarder Allowance (Non paying) & Debt Allowance**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus income & asset level
One	One	\$4,248	\$5,248	10,995	\$6,747	\$5,747
Two	Two	\$7,224	\$8,724	13,418	\$6,194	\$4,694
Three	Three	\$9,264	\$11,264	16,970	\$7,706	\$5,706
Four	Four	\$11,304	\$13,304	21,136	\$9,832	\$7,832
Five and over	Five	\$13,344	\$15,344	23,623	\$10,279	\$8,279
Five and over	Six	\$13,344	\$15,344	26,110	\$12,766	\$10,766
Five and over	Seven	\$13,344	\$15,344	28,596	\$15,252	\$13,252

**Income Waiver Levels**

**Urban areas: Population less than 30,000**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus income and assets
One	One	\$7,212	\$8,212	10,995	\$3,783	\$2,783
Two	Two	\$12,900	\$14,400	13,418	\$518	-\$982
Three	Three	\$13,644	\$15,644	16,970	\$3,326	\$1,326
Four and over	Four	\$15,372	\$17,372	21,136	\$5,764	\$3,764
Four and over	Five	\$15,372	\$17,372	23,623	\$8,251	\$6,251
Four and over	Six	\$15,372	\$17,372	26,110	\$10,738	\$8,738
Four and over	Seven	\$15,372	\$17,372	28,596	\$13,224	\$11,224

**Tables 4-5**

**Ontario**

**Urban areas: Population 30,000 to 99,999**

**Basic, Shelter & Debt Allowance**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$13,068	\$14,068	12,034	-\$1,034	-\$2,034
Two	Two	\$21,852	\$23,352	14,682	-\$7,170	-\$8,670
Three	Three	\$25,440	\$27,440	18,571	-\$6,869	-\$8,869
Four	Four	\$29,352	\$31,352	23,129	-\$6,223	-\$8,223
Five and over	Five	\$33,264	\$35,264	25,851	-\$7,413	-\$9,413
Five and over	Six	\$33,264	\$35,264	28,573	-\$4,691	-\$6,691
Five and over	Seven	\$33,264	\$35,264	31,294	-\$1,970	-\$3,970

**Boarder Allowance (Paying) & Debt Allowance**

**Urban areas: Population 30,000 to 99,999**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$9,216	\$10,216	12,034	\$2,818	\$1,818
Two	Two	\$15,024	\$16,524	14,682	-\$342	-\$1,842
Three	Three	\$17,256	\$19,256	18,571	\$1,315	-\$685
Four	Four	\$19,380	\$21,380	23,129	\$3,749	\$1,749
Five and over	Five	\$21,600	\$23,600	25,851	\$4,251	\$2,251
Five and over	Six	\$21,600	\$23,600	28,573	\$6,973	\$4,973
Five and over	Seven	\$21,600	\$23,600	31,294	\$9,694	\$7,694

**Boarder Allowance (Non paying) & Debt Allowance**

**Urban areas: Population 30,000 to 99,999**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$4,248	\$5,248	12,034	\$7,786	\$6,786
Two	Two	\$7,224	\$8,724	14,682	\$7,458	\$5,958
Three	Three	\$9,264	\$11,264	18,571	\$9,307	\$7,307
Four	Four	\$11,304	\$13,304	23,129	\$11,825	\$9,825
Five and over	Five	\$13,344	\$15,344	25,851	\$12,507	\$10,507
Five and over	Six	\$13,344	\$15,344	28,573	\$15,229	\$13,229
Five and over	Seven	\$13,344	\$15,344	31,294	\$17,950	\$15,950

**Income Waiver Levels**

**Urban areas: Population 30,000 to 99,999**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$7,212	\$8,212	12,034	\$4,822	\$3,822
Two	Two	\$12,900	\$14,400	14,682	\$1,782	\$282
Three	Three	\$13,644	\$15,644	18,571	\$4,927	\$2,927
Four and over	Four	\$15,372	\$17,372	23,129	\$7,757	\$5,757
Four and over	Five	\$15,372	\$17,372	25,851	\$10,479	\$8,479
Four and over	Six	\$15,372	\$17,372	28,573	\$13,201	\$11,201
Four and over	Seven	\$15,372	\$17,372	31,294	\$15,922	\$13,922

**Tables 4-5**

**Ontario**

**Urban areas: Population 100,000 to 499,999**

**Basic, Shelter & Debt Allowance**

Family Size (Legal Equivalent LICO Aid Eligibility)	Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$13,068	\$14,068	12,223	-\$845	-\$1,845
Two	Two	\$21,852	\$23,352	14,913	-\$6,939	-\$8,439
Three	Three	\$25,440	\$27,440	18,863	-\$6,577	-\$8,577
Four	Four	\$29,352	\$31,352	23,493	-\$5,859	-\$7,859
Five and over	Five	\$33,264	\$35,264	26,258	-\$7,006	-\$9,006
Five and over	Six	\$33,264	\$35,264	29,022	-\$4,242	-\$6,242
Five and over	Seven	\$33,264	\$35,264	31,787	-\$1,477	-\$3,477

**Boarder Allowance (Paying) & Debt Allowance**

**Urban areas: Population 100,000 to 499,999**

Family Size (Legal Equivalent LICO Aid Eligibility)	Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$9,216	\$10,216	12,223	\$3,007	\$2,007
Two	Two	\$15,024	\$16,524	14,913	-\$111	-\$1,611
Three	Three	\$17,256	\$19,256	18,863	\$1,607	-\$393
Four	Four	\$19,380	\$21,380	23,493	\$4,113	\$2,113
Five and over	Five	\$21,600	\$23,600	26,258	\$4,658	\$2,658
Five and over	Six	\$21,600	\$23,600	29,022	\$7,422	\$5,422
Five and over	Seven	\$21,600	\$23,600	31,787	\$10,187	\$8,187

**Boarder Allowance (Non paying) & Debt Allowance**

**Urban areas: Population 100,000-499,999**

Family Size (Legal Equivalent LICO Aid Eligibility)	Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$4,248	\$5,248	12,223	\$7,975	\$6,975
Two	Two	\$7,224	\$8,724	14,913	\$7,689	\$6,189
Three	Three	\$9,264	\$11,264	18,863	\$9,599	\$7,599
Four	Four	\$11,304	\$13,304	23,493	\$12,189	\$10,189
Five and over	Five	\$13,344	\$15,344	26,258	\$12,914	\$10,914
Five and over	Six	\$13,344	\$15,344	29,022	\$15,678	\$13,678
Five and over	Seven	\$13,344	\$15,344	31,787	\$18,443	\$16,443

**Income Waiver Levels**

**Urban areas: Population 100,000-499,999**

Family Size (Legal Equivalent LICO Aid Eligibility)	Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$7,212	\$8,212	12,223	\$5,011	\$4,011
Two	Two	\$12,900	\$14,400	14,913	\$2,013	\$513
Three	Three	\$13,644	\$15,644	18,863	\$5,219	\$3,219
Four and over	Four	\$15,372	\$17,372	23,493	\$8,121	\$6,121
Four and over	Five	\$15,372	\$17,372	26,258	\$10,886	\$8,886
Four and over	Six	\$15,372	\$17,372	29,022	\$13,650	\$11,650
Four and over	Seven	\$15,372	\$17,372	31,787	\$16,415	\$14,415

**Tables 4-5**

**Ontario**

**Urban areas: Population 500,000 and over**

**Basic, Shelter & Debt Allowance**

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$13,068	\$14,068	14,510	\$1,442	\$442
Two	Two	\$21,852	\$23,352	17,705	-\$4,147	-\$5,647
Three	Three	\$25,440	\$27,440	22,392	-\$3,048	-\$5,048
Four	Four	\$29,352	\$31,352	27,890	-\$1,462	-\$3,462
Five and over	Five	\$33,264	\$35,264	31,172	-\$2,092	-\$4,092
Five and over	Six	\$33,264	\$35,264	34,454	\$1,190	-\$810
Five and over	Seven	\$33,264	\$35,264	37,735	\$4,471	\$2,471

**Boarder Allowance (Paying) & Debt Allowance**

Urban areas: Population 500,000+

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$9,216	\$10,216	14,510	\$5,294	\$4,294
Two	Two	\$15,024	\$16,524	17,705	\$2,681	\$1,181
Three	Three	\$17,256	\$19,256	22,392	\$5,136	\$3,136
Four	Four	\$19,380	\$21,380	27,890	\$8,510	\$6,510
Five and over	Five	\$21,600	\$23,600	31,172	\$9,572	\$7,572
Five and over	Six	\$21,600	\$23,600	34,454	\$12,854	\$10,854
Five and over	Seven	\$21,600	\$23,600	37,735	\$16,135	\$14,135

**Boarder Allowance (Non paying) & Debt Allowance**

Urban areas: Population 500,000+

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$4,248	\$5,248	14,510	\$10,262	\$9,262
Two	Two	\$7,224	\$8,724	17,705	\$10,481	\$8,981
Three	Three	\$9,264	\$11,264	22,392	\$13,128	\$11,128
Four	Four	\$11,304	\$13,304	27,890	\$16,586	\$14,586
Five and over	Five	\$13,344	\$15,344	31,172	\$17,828	\$15,828
Five and over	Six	\$13,344	\$15,344	34,454	\$21,110	\$19,110
Five and over	Seven	\$13,344	\$15,344	37,735	\$24,391	\$22,391

**Income Waiver Levels**

Urban areas: Population 500,000+

Family Size (Legal Aid Eligibility)	Equivalent LICO Family Unit Size	Total Standard Allowances (yearly)	Total Wealth Amount (income+assets)	LICO Level	LICO minus income	LICO minus (income+assets)
One	One	\$7,212	\$8,212	14,510	\$7,298	\$6,298
Two	Two	\$12,900	\$14,400	17,705	\$4,805	\$3,305
Three	Three	\$13,644	\$15,644	22,392	\$8,748	\$6,748
Four and over	Four	\$15,372	\$17,372	27,890	\$12,518	\$10,518
Four and over	Five	\$15,372	\$17,372	31,172	\$15,800	\$13,800
Four and over	Six	\$15,372	\$17,372	34,454	\$19,082	\$17,082
Four and over	Seven	\$15,372	\$17,372	37,735	\$22,363	\$20,363

**Table 4-6  
Quebec  
Rural areas**

Family Size	LICO (Equivalent) Economic Family Size	Annual Income Schedule (Free Legal Aid)	Maximum Liquid Assets + Annual Income (Free Legal Aid)	Maximum Annual Level*	LICO	Difference between LICO and Income	Difference between LICO Free Legal Aid Cut-off + Assets	Difference between LICO and Maximum Annual Level (with contribution)
Single person	1	\$8,870	\$11,370	\$12,640	12,142	\$3,272	\$772	-\$498
Adult + 1 child	2	\$12,500	\$17,500	\$17,813	15,178	\$2,678	-\$2,322	-\$2,635
Adult + 2 children or more:								
Adult + 2 children	3	\$15,000	\$20,000	\$21,375	18,877	\$3,877	-\$1,123	-\$2,498
Adult + 3 children	4	\$15,000	\$20,000	\$21,375	22,849	\$7,849	\$2,849	\$1,474
Adult + 4 children	5	\$15,000	\$20,000	\$21,375	25,542	\$10,542	\$5,542	\$4,167
Adult + 5 children	6	\$15,000	\$20,000	\$21,375	28,235	\$13,235	\$8,235	\$6,860
Adult + 6 children	7+	\$15,000	\$20,000	\$21,375	30,928	\$15,928	\$10,928	\$9,553
Spouses without children	2	\$12,500	\$17,500	\$17,813	15,178	\$2,678	-\$2,322	-\$2,635
Spouses + 1 child	3	\$15,000	\$20,000	\$21,375	18,877	\$3,877	-\$1,123	-\$2,498
Spouses + 2 children or more:								
Spouses + 2 children	4	\$17,500	\$22,500	\$24,938	22,849	\$5,349	\$349	-\$2,089
Spouses + 3 children	5	\$17,500	\$22,500	\$24,938	25,542	\$8,042	\$3,042	\$604
Spouses + 4 children	6	\$17,500	\$22,500	\$24,938	28,235	\$10,735	\$5,735	\$3,297
Spouses + 5 children	7+	\$17,500	\$22,500	\$24,938	30,928	\$13,428	\$8,428	\$5,990

**\*\*With 20% increase in the income category for small communities\*\*\*.**

**Rural areas**

Family Size	LICO (Equivalent) Economic Family Size	Annual Income Schedule (Free Legal Aid)**	Maximum Liquid Assets + Annual Income (Free Legal Aid)	Maximum Annual Level**	LICO	Difference between LICO and Income	Difference between LICO Free Legal Aid Cut-off + Assets	Difference between LICO and Maximum Annual Level (with contribution)
Single person	1	\$10,644	\$13,144	\$15,168	12,142	-\$1,498	\$1,002	\$3,026
Adult + 1 child	2	\$15,000	\$20,000	\$21,376	15,178	-\$178	\$4,822	\$6,198
Adult + 2 children or more:								
Adult + 2 children	3	\$18,000	\$23,000	\$25,650	18,877	-\$877	\$4,123	\$6,773
Adult + 3 children	4	\$18,000	\$23,000	\$25,650	22,849	-\$4,849	\$151	\$2,801
Adult + 4 children	5	\$18,000	\$23,000	\$25,650	25,542	-\$7,542	-\$2,542	\$108
Adult + 5 children	6	\$18,000	\$23,000	\$25,650	28,235	-\$10,235	-\$5,235	-\$2,585
Adult + 6 children	7+	\$18,000	\$23,000	\$25,650	30,928	-\$12,928	-\$7,928	-\$5,278
Spouses without children	2	\$15,000	\$20,000	\$21,376	15,178	-\$178	\$4,822	\$6,198
Spouses + 1 child	3	\$18,000	\$23,000	\$25,650	18,877	-\$877	\$4,123	\$6,773
Spouses + 2 children or more:								
Spouses + 2 children	4	\$21,000	\$26,000	\$29,926	22,849	-\$1,849	\$3,151	\$7,077
Spouses + 3 children	5	\$21,000	\$26,000	\$29,926	25,542	-\$4,542	\$458	\$4,384
Spouses + 4 children	6	\$21,000	\$26,000	\$29,926	28,235	-\$7,235	-\$2,235	\$1,691
Spouses + 5 children	7+	\$21,000	\$26,000	\$29,926	30,928	-\$9,928	-\$4,928	-\$1,002

**Urban areas: Population less than 30,000**

Family Size	LICO Equivalent Economic Family Size	Annual Income Schedule (Free Legal Aid) + Assets	Annual Income (Free Legal Aid)	Maximum Annual Level*	LICO Before Tax	Difference between LICO and Income	Difference between LICO Free Legal Aid Cut-off + Assets	Difference between LICO and Maximum Annual Level (with contribution)
Adult + 1 child	1	\$8,870	\$11,370	\$12,640	13,924	\$5,054	\$2,554	\$1,284
Adult + 2 children or more:	2	\$12,500	\$17,500	\$17,813	17,405	\$4,905	-\$95	-\$408
Adult + 2 children	3	\$15,000	\$20,000	\$21,375	21,647	\$6,647	\$1,647	\$272
Adult + 3 children	4	\$15,000	\$20,000	\$21,375	26,205	\$11,205	\$6,205	\$4,830
Adult + 4 children	5	\$15,000	\$20,000	\$21,375	29,293	\$14,293	\$9,293	\$7,918
Adult + 5 children	6	\$15,000	\$20,000	\$21,375	32,379	\$17,379	\$12,379	\$11,004
Adult + 6 children	7+	\$15,000	\$20,000	\$21,375	35,467	\$20,467	\$15,467	\$14,092
Spouses without children	2	\$12,500	\$17,500	\$21,375	17,405	\$4,905	-\$95	-\$3,970
Spouses + 1 child	3	\$15,000	\$20,000	\$21,375	21,647	\$6,647	\$1,647	\$272
Spouses + 2 children or more:								
Spouses + 2 children	4	\$15,000	\$20,000	\$24,938	26,205	\$11,205	\$6,205	\$1,267
Spouses + 3 children	5	\$17,500	\$22,500	\$24,938	29,293	\$11,793	\$6,793	\$4,355
Spouses + 4 children	6	\$17,500	\$22,500	\$24,938	32,379	\$14,879	\$9,879	\$7,441
Spouses + 5 children	7+	\$17,500	\$22,500	\$24,938	35,467	\$17,967	-\$12,967	\$10,529

\*Maximum income level allowed. Cannot exceed this level and receive legal aid. Included in the reputed income are the assets.



<b>Urban areas: Population 30,000 to 99,999</b>									
Family Size	LICO Equivalent Economic Family Size	Annual Income Schedule (Free Legal Aid)	Maximum Liquid Assets + Annual Income (Free Legal Aid)	Maximum Annual Level*	LICO (bef tax)	Difference between LICO and Income	Difference between LICO and Free Legal Aid Cut-off + Assets	Difference between LICO and Maximum Annual Level (with contribution)	
Single person	1	\$8,870	\$11,370	\$12,640	14,965	\$6,095	\$3,595	\$2,325	
Adult + 1 child	2	\$12,500	\$17,500	\$17,813	18,706	\$6,206	\$1,206	\$893	
Adult + 2 children or more:									
Adult + 2 children	3	\$15,000	\$20,000	\$21,375	23,264	\$8,264	\$3,264	\$1,889	
Adult + 3 children	4	\$15,000	\$20,000	\$21,375	28,162	\$13,162	\$8,162	\$6,787	
Adult + 4 children	5	\$15,000	\$20,000	\$21,375	31,481	\$16,481	\$11,481	\$10,106	
Adult + 5 children	6	\$15,000	\$20,000	\$21,375	34,798	\$19,798	\$14,798	\$13,423	
Adult + 6 children	7+	\$15,000	\$20,000	\$21,375	38,117	\$23,117	\$18,117	\$16,742	
Spouses without children	2	\$12,500	\$17,500	\$17,813	18,706	\$6,206	\$1,206	\$893	
Spouses + 1 child	3	\$15,000	\$20,000	\$21,375	23,264	\$8,264	\$3,264	\$1,889	
Spouses + 2 children or more:									
Spouses + 2 children	4	\$17,500	\$22,500	\$24,938	28,162	\$10,662	\$5,662	\$3,224	
Spouses + 3 children	5	\$17,500	\$22,500	\$24,938	31,481	\$13,981	\$8,981	\$6,543	
Spouses + 4 children	6	\$17,500	\$22,500	\$24,938	34,798	\$17,298	\$12,298	\$9,860	
Spouses + 5 children	7+	\$17,500	\$22,500	\$24,938	38,117	\$20,617	\$15,617	\$13,179	
<b>Urban areas: Population 100,000 to 499,999</b>									
Family Size	LICO (Equivalent) Economic Family Size	Annual Income Schedule (Free Legal Aid)	Maximum Liquid Assets + Annual Income (Free Legal Aid)	Maximum Annual Level*	LICO	Difference between LICO and Income	Difference between LICO and Free Legal Aid Cut-off + Assets	Difference between LICO and Maximum Annual Level (with contribution)	
Single person	1	\$8,870	\$11,370	\$12,640	15,070	\$6,200	\$3,700	\$2,430	
Adult + 1 child	2	\$12,500	\$17,500	\$17,813	18,837	\$6,337	\$1,337	\$1,024	
Adult + 2 children or more:									
Adult + 2 children	3	\$15,000	\$20,000	\$21,375	23,429	\$8,429	\$3,429	\$2,054	
Adult + 3 children	4	\$15,000	\$20,000	\$21,375	28,359	\$13,359	\$8,359	\$6,984	
Adult + 4 children	5	\$15,000	\$20,000	\$21,375	31,701	\$16,701	\$11,701	\$10,326	
Adult + 5 children	6	\$15,000	\$20,000	\$21,375	35,043	\$20,043	\$15,043	\$13,668	
Adult + 6 children	7+	\$15,000	\$20,000	\$21,375	38,385	\$23,385	\$18,385	\$17,010	
Spouses without children	2	\$12,500	\$17,500	\$17,813	18,837	\$6,337	\$1,337	\$1,024	
Spouses + 1 child	3	\$15,000	\$20,000	\$21,375	23,429	\$8,429	\$3,429	\$2,054	
Spouses + 2 children or more:									
Spouses + 2 children	4	\$17,500	\$22,500	\$24,938	28,359	\$10,859	\$5,859	\$3,421	
Spouses + 3 children	5	\$17,500	\$22,500	\$24,938	31,701	\$14,201	\$9,201	\$6,763	
Spouses + 4 children	6	\$17,500	\$22,500	\$24,938	35,043	\$17,543	\$12,543	\$10,105	
Spouses + 5 children	7+	\$17,500	\$22,500	\$24,938	38,385	\$20,885	\$15,885	\$13,447	
<b>Urban areas: Population 500,000 and over</b>									
Family Size	LICO (Equivalent) Economic Family Size	Annual Income Schedule (Free Legal Aid)	Maximum Liquid Assets + Annual Income (Free Legal Aid)	Maximum Annual Level*	LICO	Difference between LICO and Income	Difference between LICO and Free Legal Aid Cut-off + Assets	Difference between LICO and Maximum Annual Level (with contribution)	
Single person	1	\$8,870	\$11,370	\$12,640	17,571	\$8,701	\$6,201	\$4,931	
Adult + 1 child	2	\$12,500	\$17,500	\$17,813	21,962	\$9,462	\$4,462	\$4,149	
Adult + 2 children or more:									
Adult + 2 children	3	\$15,000	\$20,000	\$21,375	27,315	\$12,315	\$7,315	\$5,940	
Adult + 3 children	4	\$15,000	\$20,000	\$21,375	33,063	\$18,063	\$13,063	\$11,688	
Adult + 4 children	5	\$15,000	\$20,000	\$21,375	36,958	\$21,958	\$16,958	\$15,583	
Adult + 5 children	6	\$15,000	\$20,000	\$21,375	40,855	\$25,855	\$20,855	\$19,480	
Adult + 6 children	7+	\$15,000	\$20,000	\$21,375	44,751	\$29,751	\$24,751	\$23,376	
Spouses without children	2	\$12,500	\$17,500	\$17,813	21,962	\$9,462	\$4,462	\$4,149	
Spouses + 1 child	3	\$15,000	\$20,000	\$21,375	27,315	\$12,315	\$7,315	\$5,940	
Spouses + 2 children or more:									
Spouses + 2 children	4	\$17,500	\$22,500	\$24,938	33,063	\$15,563	\$10,563	\$8,125	
Spouses + 3 children	5	\$17,500	\$22,500	\$24,938	36,958	\$19,458	\$14,458	\$12,020	
Spouses + 4 children	6	\$17,500	\$22,500	\$24,938	40,855	\$23,355	\$18,355	\$15,917	
Spouses + 5 children	7+	\$17,500	\$22,500	\$24,938	44,751	\$27,251	\$22,251	\$19,813	

**Table 4-7**

**Nova Scotia**

**Rural areas**

Family Size	LICO (Equivalent Economic Family)	Calculated Gross Yearly income (\$)	LICO - Before Tax	Difference between LICO and Income
One adult	1	\$12,804	12,142	-\$662
and 1 dependent	2	\$16,992	15,178	-\$1,814
and 2 dependents	3	\$20,400	18,877	-\$1,523
and 3 dependents	4	\$23,088	22,849	-\$239
and 4 dependents	5	\$25,776	25,542	-\$234
and 5 dependents	6	\$28,464	28,235	-\$229
and 6 dependents	7+	\$31,152	30,928	-\$224
and 7 dependents	7+	\$33,840	30,928	-\$2,912
Two adults	2	\$17,088	15,178	-\$1,910
and 1 dependent	3	\$20,496	18,877	-\$1,619
and 2 dependents	4	\$23,184	22,849	-\$335
and 3 dependents	5	\$25,872	25,542	-\$330
and 4 dependents	6	\$28,560	28,235	-\$325
and 5 dependents	7+	\$31,248	30,928	-\$320
and 6 dependents	7+	\$33,936	30,928	-\$3,008
and 7 dependents	7+	\$36,624	30,928	-\$5,696

**Urban areas: Population less than 30,000**

Family Size	LICO (Equivalent Economic Family)	Calculated Gross Yearly income (\$)	LICO - Before Tax	Difference between LICO and Income
One adult	1	\$12,804	13,924	\$1,120
and 1 dependent	2	\$16,992	17,405	\$413
and 2 dependents	3	\$20,400	21,647	\$1,247
and 3 dependents	4	\$23,088	26,205	\$3,117
and 4 dependents	5	\$25,776	29,293	\$3,517
and 5 dependents	6	\$28,464	32,379	\$3,915
and 6 dependents	7+	\$31,152	35,467	\$4,315
and 7 dependents	7+	\$33,840	35,467	\$1,627
Two adults	2	\$17,088	17,405	\$317
and 1 dependent	3	\$20,496	21,647	\$1,151
and 2 dependents	4	\$23,184	26,205	\$3,021
and 3 dependents	5	\$25,872	29,293	\$3,421
and 4 dependents	6	\$28,560	32,379	\$3,819
and 5 dependents	7+	\$31,248	35,467	\$4,219
and 6 dependents	7+	\$33,936	35,467	\$1,531
and 7 dependents	7+	\$36,624	35,467	-\$1,157

**Urban areas: Population 30,000 to 99,999**

Family Size	LICO (Equivalent Economic Family)	Calculated Gross Yearly income (\$)	LICO - Before Tax	Difference between LICO and Income
One adult	1	\$12,804	14,965	\$2,161
and 1 dependent	2	\$16,992	18,706	\$1,714
and 2 dependents	3	\$20,400	23,264	\$2,864
and 3 dependents	4	\$23,088	28,162	\$5,074
and 4 dependents	5	\$25,776	31,481	\$5,705
and 5 dependents	6	\$28,464	34,798	\$6,334
and 6 dependents	7+	\$31,152	38,117	\$6,965
and 7 dependents	7+	\$33,840	38,117	\$4,277
Two adults	2	\$17,088	18,706	\$1,618
and 1 dependent	3	\$20,496	23,264	\$2,768
and 2 dependents	4	\$23,184	28,162	\$4,978
and 3 dependents	5	\$25,872	31,481	\$5,609
and 4 dependents	6	\$28,560	34,798	\$6,238
and 5 dependents	7+	\$31,248	38,117	\$6,869
and 6 dependents	7+	\$33,936	38,117	\$4,181
and 7 dependents	7+	\$36,624	38,117	\$1,493

**Urban areas: Population 100,000 to 499,999**

Family Size	LICO (Equivalent) Economic Family	Gross Yearly income (\$)	LICO - Before Tax	Difference between LICO and Income
One adult	1	\$12,804	15,070	\$2,266
and 1 dependent	2	\$16,992	18,837	\$1,845
and 2 dependents	3	\$20,400	23,429	\$3,029
and 3 dependents	4	\$23,088	28,359	\$5,271
and 4 dependents	5	\$25,776	31,701	\$5,925
and 5 dependents	6	\$28,464	35,043	\$6,579
and 6 dependents	7+	\$31,152	38,385	\$7,233
and 7 dependents	7+	\$33,840	38,385	\$4,545
Two adults	2	\$17,088	18,837	\$1,749
and 1 dependent	3	\$20,496	23,429	\$2,933
and 2 dependents	4	\$23,184	28,359	\$5,175
and 3 dependents	5	\$25,872	31,701	\$5,829
and 4 dependents	6	\$28,560	35,043	\$6,483
and 5 dependents	7+	\$31,248	38,385	\$7,137
and 6 dependents	7+	\$33,936	38,385	\$4,449
and 7 dependents	7+	\$36,624	38,385	\$1,761

**Urban areas: Population 500,000 and over**

Family Size	LICO (Equivalent) Economic Family	Calculated Gross Yearly income (\$)	LICO - Before Tax	Difference between LICO and Income
One adult	1	\$12,804	17,571	\$4,767
and 1 dependent	2	\$16,992	21,962	\$4,970
and 2 dependents	3	\$20,400	27,315	\$6,915
and 3 dependents	4	\$23,088	33,063	\$9,975
and 4 dependents	5	\$25,776	36,958	\$11,182
and 5 dependents	6	\$28,464	40,855	\$12,391
and 6 dependents	7+	\$31,152	44,751	\$13,599
and 7 dependents	7+	\$33,840	44,751	\$10,911
Two adults	2	\$17,088	21,962	\$4,874
and 1 dependent	3	\$20,496	27,315	\$6,819
and 2 dependents	4	\$23,184	33,063	\$9,879
and 3 dependents	5	\$25,872	36,958	\$11,086
and 4 dependents	6	\$28,560	40,855	\$12,295
and 5 dependents	7+	\$31,248	44,751	\$13,503
and 6 dependents	7+	\$33,936	44,751	\$10,815
and 7 dependents	7+	\$36,624	44,751	\$8,127

**Table 4-8**  
**Prince Edward Island**  
**Rural area**

Family Size <sup>s</sup>	LICO equivalent (economic family)	Gross Yearly Income Means Test	LICO - Before tax	Difference between LICO and Income
1	1	\$13,572	12,142	-\$1,430
2	2	\$16,968	15,178	-\$1,790
3	3	\$21,096	18,877	-\$2,219
4	4	\$25,548	22,849	-\$2,699
5	5	\$28,560	25,542	-\$3,018
6	6	\$31,560	28,235	-\$3,325
7+	7+	\$34,572	30,928	-\$3,644

**Urban areas: Population less than 30,000**

Family Size	LICO equivalent (economic family)	Calculated Gross Yearly Income Means Test	LICO - Before tax	Difference between LICO and Income
1	1	\$13,572	13,924	\$352
2	2	\$16,968	17,405	\$437
3	3	\$21,096	21,647	\$551
4	4	\$25,548	26,205	\$657
5	5	\$28,560	29,293	\$733
6	6	\$31,560	32,379	\$819
7+	7+	\$34,572	35,467	\$895

**Urban areas: Population 30,000 to 99,999**

Family Size	LICO equivalent (economic family)	Calculated Gross Yearly Income Means Test	LICO - Before tax	Difference between LICO and Income
1	1	\$13,572	14,965	\$1,393
2	2	\$16,968	18,706	\$1,738
3	3	\$21,096	23,264	\$2,168
4	4	\$25,548	28,162	\$2,614
5	5	\$28,560	31,481	\$2,921
6	6	\$31,560	34,798	\$3,238
7+	7+	\$34,572	38,117	\$3,545

**Urban areas: Population 100,000 to 499,999**

Family Size	LICO equivalent (economic family)	Calculated Gross Yearly Income Means Test	LICO - Before tax	Difference between LICO and Income
1	1	\$13,572	15,070	\$1,498
2	2	\$16,968	18,837	\$1,869
3	3	\$21,096	23,429	\$2,333
4	4	\$25,548	28,359	\$2,811
5	5	\$28,560	31,701	\$3,141
6	6	\$31,560	35,043	\$3,483
7+	7+	\$34,572	38,385	\$3,813

**Urban areas: Population 500,000 and over**

Family Size	LICO equivalent (economic family)	Calculated Gross Yearly Income Means Test	LICO - Before tax	Difference between LICO and Income
1	1	\$13,572	17,571	3,999
2	2	\$16,968	21,962	4,994
3	3	\$21,096	27,315	6,219
4	4	\$25,548	33,063	7,515
5	5	\$28,560	36,958	8,398
6	6	\$31,560	40,855	9,295
7+	7+	\$34,572	44,751	10,179

Table 4-9

**Newfoundland**

**Rural areas**

Family Size	LICO (Equivalent) Economic Family	Net Yearly Income	LICO - After Tax	Difference between LICO and Income
One adult	1	4,716	9,514	4,798
and 1 dependent	2	5,808	11,608	5,800
and 2 dependents	3	6,324	14,681	8,357
and 3 dependents	4	6,804	18,285	11,481
and 4 dependents	5	7,296	20,438	13,142
and 5 dependents	6	7,836	22,590	14,754
and 6 dependents	7+	8,364	24,744	16,380
Two adults	2	6,492	11,608	5,116
and 1 dependent	3	6,960	14,681	7,721
and 2 dependents	4	7,416	18,285	10,869
and 3 dependents	5	7,920	20,438	12,518
and 4 dependents	6	8,364	22,590	14,226
and 5 dependents	7+	9,012	24,744	15,732
and 6 dependents	7+	9,684	24,744	15,060
and 7 dependents	7+	10,356	24,744	14,388

**Urban areas: Population less than 30,000**

Family Size	LICO (Equivalent) Economic Family	Net Yearly Income Basic Allowance	LICO - After Tax	Difference between LICO and Income
One adult	1	4,716	10,995	6,279
and 1 dependent	2	5,808	13,418	7,610
and 2 dependents	3	6,324	16,970	10,646
and 3 dependents	4	6,804	21,136	14,332
and 4 dependents	5	7,296	23,623	16,327
and 5 dependents	6	7,836	26,110	18,274
and 6 dependents	7+	8,364	28,596	20,232
Two adults	2	6,492	13,418	6,926
and 1 dependent	3	6,960	16,970	10,010
and 2 dependents	4	7,416	21,136	13,720
and 3 dependents	5	7,920	23,623	15,703
and 4 dependents	6	8,364	26,110	17,746
and 5 dependents	7+	9,012	28,596	19,584
and 6 dependents	7+	9,684	28,596	18,912
and 7 dependents	7+	10,356	28,596	18,240

**Urban areas: Population 30,000 to 99,999**

Family Size	LICO (Equivalent) Economic Family	Net Yearly Income	LICO - After Tax	Difference between LICO and Income
One adult	1	4,716	12,034	7,318
and 1 dependent	2	5,808	14,682	8,874
and 2 dependents	3	6,324	18,571	12,247
and 3 dependents	4	6,804	23,129	16,325
and 4 dependents	5	7,296	25,851	18,555
and 5 dependents	6	7,836	28,573	20,737
and 6 dependents	7+	8,364	31,294	22,930
Two adults	2	6,492	14,682	8,190
and 1 dependent	3	6,960	18,571	11,611
and 2 dependents	4	7,416	23,129	15,713
and 3 dependents	5	7,920	25,851	17,931
and 4 dependents	6	8,364	28,573	20,209
and 5 dependents	7+	9,012	31,294	22,282
and 6 dependents	7+	9,684	31,294	21,610
and 7 dependents	7+	10,356	31,294	20,938

**Urban areas: Population 100,000 to 499,999**

Family Size	LICO (Equivalent) Economic Family	Net Yearly Income	LICO - After Tax	Difference between LICO and Income
One adult	1	4,716	12,223	7,507
and 1 dependent	2	5,808	14,913	9,105
and 2 dependents	3	6,324	18,863	12,539
and 3 dependents	4	6,804	23,493	16,689
and 4 dependents	5	7,296	26,258	18,962
and 5 dependents	6	7,836	29,022	21,186
and 6 dependents	7+	8,364	31,787	23,423
Two adults	2	6,492	14,913	8,421
and 1 dependent	3	6,960	18,863	11,903
and 2 dependents	4	7,416	23,493	16,077
and 3 dependents	5	7,920	26,258	18,338
and 4 dependents	6	8,364	29,022	20,658
and 5 dependents	7+	9,012	31,787	22,775
and 6 dependents	7+	9,684	31,787	22,103
and 7 dependents	7+	10,356	31,787	21,431

**Urban areas: Population 500,000 and over**

Family Size	LICO (Equivalent) Economic Family	Net Yearly Income	LICO - After Tax	Difference between LICO and Income
One adult	1	4,716	14,510	9,794
and 1 dependent	2	5,808	17,705	11,897
and 2 dependents	3	6,324	22,392	16,068
and 3 dependents	4	6,804	27,890	21,086
and 4 dependents	5	7,296	31,172	23,876
and 5 dependents	6	7,836	34,454	26,618
and 6 dependents	7+	8,364	37,735	29,371
Two adults	2	6,492	17,705	11,213
and 1 dependent	3	6,960	22,392	15,432
and 2 dependents	4	7,416	27,890	20,474
and 3 dependents	5	7,920	31,172	23,252
and 4 dependents	6	8,364	34,454	26,090
and 5 dependents	7+	9,012	37,735	28,723
and 6 dependents	7+	9,684	37,735	28,051
and 7 dependents	7+	10,356	37,735	27,379

**Table 5-1**

**British Columbia**

**Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998**

Financial eligibility	Poor	Non-poor	Total
Do not qualify	79,100	1,418,200	1,497,300
Qualify	171,300	...	181,500
Total	250,400	1,428,400	1,678,800
Do not qualify	31.6%	99.3%	89.2%
Qualify	68.4%	...	10.8%
Total	100.0%	100.0%	100.0%

... Sample too small.

**Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

Family Size	Financial Eligibility		Total
	Do not qualify %	Qualify %	
1	32.6	67.4	100
2	20.8	79.2	100
3	23.2	76.8	100
4+	50.8	49.2	100

**Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

Family Size	Financial Eligibility		Total
	Do not qualify #	Qualify #	
1	53,300	110,100	163,400
2	8,400	31,900	40,300
3	5,300	17,500	22,800
4+	12,100	11,800	23,900
Total	79,100	171,300	250,400

All numbers are rounded to the nearest hundred.

Source: Prepared by the CCSD using Statistics Canada's *Survey of Labour and Income Dynamics*, 1998.

Table 5-2

Alberta

Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998

Annual Allowable Levels				Annual Allowable Contribution Levels			
Financial eligibility	Poor	Non-poor	Total	Financial eligibility	Poor	Non-poor	Total
<i># of families</i>				<i># of families</i>			
Do not qualify	86,600	940,900	1,027,500	Do not qualify	...	831,400	833,900
Qualify	165,900	...	170,400	Qualify	250,000	114,000	364,000
Total	252,500	945,400	1,197,900	Total	252,500	945,400	1,197,900
<i>% of families</i>				<i>% of families</i>			
Do not qualify	34.3%	99.5%	85.8%	Do not qualify	...	87.9%	85.8%
Qualify	65.7%	...	14.2%	Qualify	99.0%	12.1%	30.4%
Total	100.0%	100.0%	100.0%	Total	100.0%	100.0%	100.0%

... Sample too small.

... Sample too small.

Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998

Annual Allowable Levels				Annual Allowable Contribution Levels			
Financial Eligibility				Financial Eligibility			
	Do not qualify	Qualify	Total		Do not qualify	Qualify	Total
Family Size	%	%		Family Size	%	%	
1	34.3	65.7	100	1	...	100	100
2	30.5	69.5	100	2	...	100	100
3	23.4	76.6	100	3	...	100	100
4+	44.3	55.7	100	4+	...	93.4	100

... Sample too small.

Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998

Annual Allowable Levels				Annual Allowable Contribution Levels			
Financial Eligibility				Financial Eligibility			
	Do not qualify	Qualify	Total		Do not qualify	Qualify	Total
Family Size	#	#		Family Size	#	#	
1	55,300	106,000	161,200	1	...	161,200	161,200
2	9,200	21,000	30,300	2	...	30,300	30,300
3	5,600	18,200	23,800	3	...	23,800	23,800
4+	16,500	20,700	37,200	4+	...	34,800	37,200
Total	86,600	165,900	252,500	Total	...	250,000	252,500

... Sample too small.

Source: Prepared by the CCSD using Statistics Canada's *Survey of Labour and Income Dynamics*, 1998.



**Table 5-3**

**Saskatchewan**

**Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998**

Financial eligibility	Poor	Non-poor	Total
<i># of families</i>			
Do not qualify	19,300	366,900	386,100
Qualify	37,700	0	37,700
Total	57,000	366,900	423,800
<i>% of families</i>			
Do not qualify	33.8%	100.0%	91.1%
Qualify	66.2%	0.0%	8.9%
Total	100.0%	100.0%	100.0%

... Sample too small.

**Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	%	%	
1	27.2	72.8	100
2	...	73.2	100
3	...	...	100
4+	79.7	...	100

... Sample too small.

**Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	#	#	
1	10,700	28,700	39,400
2	...	5,100	6,900
3	...	...	5,100
4+	4,400	...	5,500
Total	20,000	37,000	57,000

... Sample too small.

Saskatchewan's eligibility includes families with more than 7 members. SLID caps the number at 7+. For a 2 couple family, the eligibility guidelines, for 7+ , were averaged to \$24,500. Whereas, for single-parent families, the category of 7+ was averaged to \$25,800

Source: Prepared by the CCSD using Statistics Canada's *Survey of Labour and Income Dynamics*, 1998.

**Table 5-4**

**Manitoba**

**Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998**

**Fully Eligible**

**Expanded Eligibility**

Financial eligibility	Poor	Non-poor	Total	Financial eligibility	Poor	Non-poor	Total
<i># of families</i>				<i># of families</i>			
Do not qualify	47,300	340,000	387,300	Do not qualify	...	293,900	295,100
Qualify	70,600	...	71,700	Qualify	116,800	47,100	163,900
Total	117,900	341,100	458,900	Total	117,900	341,100	458,900
<i>% of families</i>				<i>% of families</i>			
Do not qualify	40.1%	99.7%	84.4%	Do not qualify	...	86.2%	84.4%
Qualify	59.9%	...	15.6%	Qualify	99.0%	13.8%	35.7%
Total	100.0%	100.0%	100.0%	Total	100.0%	100.0%	120.1%

... Sample too small.

... Sample too small.

**Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

**Fully Eligible**

**Expanded Eligibility**

Family Size	Financial Eligibility			Family Size	Financial Eligibility		
	Do not qualify	Qualify	Total		Do not qualify	Qualify	Total
	%	%			%	%	
1	45	55	100	1	0	100	100
2	41.7	58.3	100	2	0	100	100
3	23.8	76.2	100	3	0	100	100
4+	25.5	74.5	100	4+	6.5	93.5	100

**Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

**Fully Eligible**

**Expanded Eligibility**

Family Size	Financial Eligibility			Family Size	Financial Eligibility		
	Do not qualify	Qualify	Total		Do not qualify	Qualify	Total
	#	#			#	#	
1	33,200	40,600	73,800	1		73,800	73,800
2	7,700	10,700	18,500	2		18,500	18,500
3	2,000	6,300	8,300	3		8,300	8,300
4+	4,400	13,000	17,400	4+	1,100	16,300	17,400
Total	47,300	70,600	117,900	Total	1,100	116,800	117,900

Source: Prepared by the CCSD using Statistics Canada's *Survey of Labour and Income Dynamics*, 1998.

Table 5-5

Ontario

Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998

Waiver (Families Falling at or below the Waiver are eligible for free legal aid)

Financial eligibility	Poor	Non-poor	Total
<i># of families</i>			
Do not qualify	389,000	3,994,400	4,383,400
Qualify	219,100	...	220,900
Total	608,100	3,996,200	4,604,300
<i>% of families</i>			
Do not qualify	64.0%	100.0%	95.2%
Qualify	36.0%	0.0%	4.8%
Total	100.0%	100.0%	100.0%

... Sample too small.

Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	%	%	
1	68.6	31.4	100
2	35.4	64.6	100
3	58.2	41.8	100
4+	76.2	23.8	100

Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	#	#	
1	249,500	114,000	363,500
2	30,700	56,000	86,600
3	37,400	26,900	64,300
4+	71,500	22,300	93,800
Total	389,000	219,100	608,100

Source: Prepared by the CCSD using Statistics Canada's *Survey of Labour and Income Dynamics*, 1998.

Ontario -- Net Annual Maximum Allowances (Expenses)

(calculated by adding the basic+ shelter+ debt allowances)

Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998

Financial eligibility	Poor	Non-poor	Total
<i># of families</i>			
Do not qualify	...	3,774,000	3,805,300
Qualify	576,900	222,200	799,000
Total	608,100	3,996,200	4,604,300
<i>% of families</i>			
Do not qualify	5.1%	94.4%	82.6%
Qualify	94.9%	5.6%	17.4%
Total	100.0%	100.0%	100.0%

... Sample too small.

Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	%	%	
1	8.6	91.4	100
2		100	100
3		100	100
4+		100	100

Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	#	#	
1	31,300	332,200	363,500
2	0	86,600	86,600
3	0	64,300	64,300
4+	0	93,800	93,800
Total	31,300	576,900	608,100

Source: Prepared by the CCSD using Statistics Canada's *Survey of Labour and Income Dynamics*, 1998.

**Table 5-6**

**Quebec**

**Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998**

*Free Legal Aid*

Financial eligibility	Poor	Non-poor	Total
Do not qualify	573,300	2,336,300	2,909,600
Qualify	311,600	...	311,600
Total	884,900	2,336,300	3,221,100
Do not qualify	64.8%	100.0%	90.3%
Qualify	35.2%	...	9.7%
Total	100.0%	100.0%	100.0%

Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	%	%	
1	61.2	38.8	100
2	65.8	34.2	100
3	58.8	41.2	100
4+	84.7	15.3	100

Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	#	#	
1	334,100	211,400	545,500
2	97,300	50,500	147,800
3	46,300	32,400	78,700
4+	95,600	17,300	112,900
Total	573,300	311,600	884,900

Note: Quebec uses a combination of family type and family size. The analysis takes this into consideration single parent families into consideration.

Source: Prepared by the CCSD using Statistics Canada's *Survey of Labour and Income Dynamics*, 1998.

**Quebec**

Using the Maximum allowable Limit (with contribution)

Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998

Financial eligibility	Poor	Non-poor	Total
Do not qualify	273,500	2,319,800	2,593,300
Qualify	611,400	16,500	627,800
Total	884,900	2,336,300	3,221,100
Do not qualify	30.9	99.3%	80.5%
Qualify	69.1	0.7%	19.5%
Total	100.0	100.0%	100.0%

Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	%	%	
1	28.6	71.4	100
2	30.2	69.8	100
3	31.5	68.5	100
4+	42.7	57.3	100

Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	#	#	
1	155,919	389,604	545,523
2	44,650	103,115	147,765
3	24,791	53,925	78,716
4+	48,172	64,716	112,888
Total	273,532	611,360	884,892

Note: Quebec uses a combination of family type and family size. The analysis takes this into consideration single parent families into consideration.

Source: Prepared by the CCSD using Statistics Canada's *Survey of Labour and Income Dynamics*, 1998.

**Table 5-7**

**Nova Scotia**

**Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998**

Financial eligibility	Poor	Non-poor	Total
<i># of families</i>			
Do not qualify	12,900	289,300	302,200
Qualify	84,000	5,600	89,600
Total	96,900	294,900	391,800
<i>% of families</i>			
Do not qualify	13.3%	98.1%	77.1%
Qualify	86.7%	1.9%	22.9%
Total	100.0%	100.0%	100.0%

**Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

Financial Eligibility			
	Do not qualify	Qualify	Total
Family Size	%	%	
1	13.1	86.9	100
2+	13.6	86.4	100

**Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

Financial Eligibility			
	Do not qualify	Qualify	Total
Family Size	#	#	
1	7,700	51,100	58,800
2+	5,200	32,900	38,100
Total	12,900	84,000	96,900

Note: The sample size for Nova Scotia is small. The family size category had to be combined in order to be able to release these figures.

We are using the guidelines of the 2 adult and dependents income guidelines. They are slightly more generous than the 1 adult. The results for the 2 are very similar.

**Table 5-8****Prince Edward Island****Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998**

Financial eligibility	Poor	Non-poor	Total
<i># of families</i>			
Do not qualify	5,000	44,500	49,500
Qualify	5,200	...	5,200
Total	10,200	44,500	54,700
<i>% of families</i>			
Do not qualify	49.1%	100.0%	90.5%
Qualify	50.9%	...	9.5%
Total	100.0%	100.0%	100.0%

... Sample too small.

**Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	%	%	
1	52	48	100
2+	43.9	56.1	100

**Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	#	#	
1	3,400	3,200	6,600
2+	1,600	2,000	3,600
Total	5,000	5,200	10,200

Note: The sample size for PEI is very small. The family size category had to be combined in order to be able to release these figures.

Source: Prepared by the CCSD using Statistics Canada's *Survey of Labour and Income Dynamics*, 1998.

**Table 5-9**

**Newfoundland**

**Proportion and Number of Families Who Qualify and Do not Qualify for Legal Aid by Poverty Status, 1998**

Financial eligibility	Poor	Non-poor	Total
<i># of families</i>			
Do not qualify	28,000	171,100	199,200
Qualify	6,300	0	6,300
Total	34,300	171,100	205,400
<i>% of families</i>			
Do not qualify	81.7%	100.0%	96.1%
Qualify	18.3%	0.0%	3.1%
Total	100.0%	100.0%	100.0%

... Sample too small.

**Proportion of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	%	%	
1	70.6	29.4	100
2+	91.5	...	100

... Sample too small.

**Number of Poor Families Who Do and Do Not Qualify for Legal Aid by Family Size, 1998**

Family Size	Financial Eligibility		Total
	Do not qualify	Qualify	
	#	#	
1	11,300	4,700	16,000
2+	16,700	...	18,300
Total	28,000	6,300	34,300

Note: The sample size for Newfoundland is very small. The family size category had to be combined in order to be able to release these figures.

\*\*On order to determine a 1 or 2 adult family, we have assumed that 1 adult and dependents implies a single parent family.