

Determining financial eligibility in high risk cases



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If LAO is not satisfied that an individual seeking legal aid services meets a financial eligibility requirement, the individual may be considered high risk. In such a case LAO may make any further inquiries it deems appropriate, and will not provide legal aid services to the individual until it is satisfied that the individual is eligible for legal aid services.

LAO may make further inquiries in a variety of circumstances, including in any of the following circumstances:

1. The individual appears to have the regular and customary use of assets that do not belong to the individual's family unit.
2. The individual appears to have a standard of living that is higher than the standard of living the income and assets disclosed on the individual's application would support.
3. The individual appears to have arranged their financial affairs or the financial affairs of the individual's family unit to minimize the family unit's income and assets while involved in or facing a legal matter, and the individual would otherwise not be eligible to receive legal aid services.
4. The individual has, in relation to a previous or ongoing legal matter, paid a retainer to a lawyer.
5. The individual has been refused legal aid services on the basis of financial eligibility and cannot identify a material change in their circumstances that would make the individual financially eligible.
6. The individual is charged with serious offences, which present a significant cost to LAO including but not limited to offences involving conspiracy, drugs, fraud or organized crimes.
7. The individual is self-employed, or employed by, or working in a family business.
8. The individual was previously employed earning a high income and is currently unemployed or receiving income under Ontario Works.
9. The individual discloses that they have earned no income for a significant time, and has no explanation of how they are meeting their basic needs.

10. The individual has recently borrowed money from a lending institution, made purchases, or conducted other personal financial transactions inconsistent with having no income.
11. The individual has provided incomplete, inaccurate, or inconsistent information to LAO.