

*Legal Aid Services Act, 2020*

# Financial eligibility increase


Public consultation feedback summary  
January 2025



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Legal Aid Ontario (LAO) has completed public consultation on a proposed three-year increase to its financial eligibility thresholds. Upon implementation, the increase would raise income thresholds for all criminal and family duty counsel services and criminal certificate services to \$45,440 for families of up to four individuals. The increase would also raise asset thresholds for duty counsel and criminal certificate services to \$15,000, regardless of family size. These increases will be in effect for a period of three years.

The consultation period began on December 11, 2024 and ended on January 9, 2025. Written submissions were received from 15 organizations and individuals. Additionally, a meeting of LAO's Family Law Advisory Committee was held to gather verbal feedback on the proposal.

Many participants welcomed the increase, noting that it would help many individuals not currently eligible for legal aid, but who also cannot afford to hire a lawyer or paralegal. It was also noted that expanding access to legal aid will reduce strain on the court system, as legally-aided clients will be able to deal more quickly and efficiently with their cases. One organization stated that the increases signal an awareness and appreciation of the financial realities of many justice-involved Indigenous people, but noted that legal eligibility should also be re-evaluated.

Some participants maintained that despite the increase, income thresholds to qualify for legal aid remain too low, especially in high cost-of-living areas. Disability justice advocates noted that this is especially true for families of people with disabilities, since these families have additional living costs. Some participants recommended that thresholds be raised to at least the Low Income Measure (LIM) calculated by Statistics Canada, with yearly increases to reflect the cost of living or changes in LIM.

There were also concerns raised about the time-limited nature of the increases. It was noted that when eligibility thresholds are returned to their current levels in three years, those thresholds that are already below LIM will have been even further eroded by inflation.

Some participants argued that eligibility should be raised for all areas of law for which legal aid services are available and that raising eligibility for only some types of matters is unfair.

Several concerns were expressed about the impact of these changes specifically on individuals involved in child protection matters and on survivors of intimate partner violence. One participant submitted that the Charter rights of parents involved in child protection proceedings could be affected, making access to legal representation even more critical. Others flagged the potential disparity this could cause between individuals facing criminal charges and those involved in family law matters, potentially even the same individual or individuals in the same family. It was recommended that eligibility be increased for family certificate services in cases of intimate partner violence.

Finally, LAO received feedback that the consultation process did not represent a meaningful opportunity to provide feedback, as it seemed that the proposal had already been finalized.

LAO is grateful for all the feedback received on its proposed financial eligibility increase and thanks all those who participated in the consultation. The increase will allow more low-income Ontarians to access legal aid services and support the province's goal of reducing the backlog in criminal courts by reducing the number of self-represented individuals in the courts. The feedback received during this consultation will be retained for future discussion and consideration.

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