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Ministry of Community and Social Services Act

R.S.O. 1990, CHAPTER M.20

**Consolidation Period:** From July 1, 2019 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2019, c. 7, Sched. 17, s. 105](http://www.ontario.ca/laws/statute/S19007" \l "sched17s105).

Legislative History: 1993, c. 2, s. 23, 24; 1994, c. 27, s. 67; 1997, c. 25, s. 4 (4); [2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1); [2006, c. 19, Sched. D, s. 11](http://www.ontario.ca/laws/statute/S06019" \l "schedds11); [2006, c. 34, s. 35](http://www.ontario.ca/laws/statute/S06034" \l "s35); [2006, c. 35, Sched. C, s. 69](http://www.ontario.ca/laws/statute/S06035" \l "schedcs69s1); [2017, c. 14, Sched. 4, s. 21](http://www.ontario.ca/laws/statute/S17014" \l "sched4s21); [2019, c. 7, Sched. 17, s. 105](http://www.ontario.ca/laws/statute/S19007" \l "sched17s105).

Definitions

**1** In this Act,

“Minister” means the Minister of Community and Social Services; (“ministre”)

“Ministry” means the Ministry of Community and Social Services. (“ministère”) R.S.O. 1990, c. M.20, s. 1; 1997, c. 25, s. 4 (4).

**Section Amendments with date in force (d/m/y)**

1997, c. 25, s. 4 (4) - 01/01/2011

Ministry continued

**2** (1)  The ministry of the public service known in English as the Ministry of Community and Social Services and in French as ministère des Services sociaux et communautaires is continued. R.S.O. 1990, c. M.20, s. 2 (1).

Minister to have charge

(2)  The Minister shall preside over and have charge of the Ministry. R.S.O. 1990, c. M.20, s. 2 (2).

Responsibility of Minister

**3** (1)  The Minister is responsible for the administration of this Act and the Acts that are assigned to the Minister by the Legislature or by the Lieutenant Governor in Council. R.S.O. 1990, c. M.20, s. 3 (1).

Agreements

(2)  The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, make agreements with the Crown in right of Canada respecting,

(a) any matter for the administration of which the Minister is responsible; and

(b) the payment by Canada to Ontario of any portion of any expenditures made before or after this Act comes into force by Ontario or by any municipality under any Act of Ontario. R.S.O. 1990, c. M.20, s. 3 (2).

Deputy Minister

**4** (1)  A Deputy Minister of Community and Social Services may be appointed by the Lieutenant Governor in Council. R.S.O. 1990, c. M.20, s. 4 (1).

Employees

(2)  Such employees as the Minister considers necessary for the proper conduct of the business of the Ministry may be appointed under Part III of the Public Service of Ontario Act, 2006. R.S.O. 1990, c. M.20, s. 4 (2); 2006, c. 35, Sched. C, s. 69 (1).

Protection from personal liability

(3)  No action or other proceeding for damages shall be instituted against the Deputy Minister or any other employee of the Ministry or anyone acting under his or her authority for any act done in good faith in the execution or intended execution of his or her duty or for any alleged neglect or default in the execution in good faith of his or her duty. R.S.O. 1990, c. M.20, s. 4 (3).

Liability of Crown

(4)  Subsection (3) does not, by reason of subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (3) to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (3) had not been enacted. R.S.O. 1990, c. M.20, s. 4 (4); 2019, c. 7, Sched. 17, s. 105.

**Section Amendments with date in force (d/m/y)**

[2006, c. 35, Sched. C, s. 69 (1)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs69s1) - 20/08/2007

[2019, c. 7, Sched. 17, s. 105](http://www.ontario.ca/laws/statute/S19007" \l "sched17s105) - 01/07/2019

Delegation by Minister

**5** (1)  Where, under this or any other Act, a power is conferred or a duty is imposed upon the Minister or upon an employee of the Ministry, such power or duty may be exercised and discharged by any other person or class of persons whom the Minister appoints in writing, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his or her appointment. R.S.O. 1990, c. M.20, s. 5 (1).

Exception

(2)  Section 6 of the Executive Council Act does not apply to a deed or contract that is executed under an authorization made under subsection (1). R.S.O. 1990, c. M.20, s. 5 (2).

Duties of Minister

**6** The Minister may,

(a) institute inquiries into and collect information and statistics relating to or affecting any matter for the provision or promotion of community and social services;

(b) disseminate from time to time information, in such manner and form as he or she considers suitable, for the promotion of community and social services;

(c) secure the observance and execution of all Acts and regulations for the administration of which he or she is responsible; and

(d) direct any officer of the Ministry or any other person to investigate and inquire into and report to him or her upon any activity, matter, agency, organization, association or institution having for any of its objects or relating to or affecting the social welfare of persons in Ontario and that is not under the jurisdiction of any other ministry of the public service of Ontario. R.S.O. 1990, c. M.20, s. 6.

Payments

**7** The Lieutenant Governor in Council may, from time to time, direct a payment or payments in such manner and amounts as are determined by the Lieutenant Governor in Council to any person for injury or damage inflicted upon that person by,

(a) any other person who is in the care or custody or under the control or supervision of any employee of the Ministry; or

(b) any other person,

(i) who is in extended society care under Part V of the Child, Youth and Family Services Act, 2017, or

(ii) who is held in a place of temporary detention under the Young Offenders Act (Canada) or the Youth Criminal Justice Act (Canada) or a place of open or secure custody designated under subsection 24.1 (1) of the Young Offenders Act (Canada), whether in accordance with section 88 of the Youth Criminal Justice Act (Canada) or otherwise,

or for any injury suffered by any person referred to in clause (a) or (b). R.S.O. 1990, c. M.20, s. 7; 2006, c. 19, Sched. D, s. 11; 2017, c. 14, Sched. 4, s. 21.

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. D, s. 11](http://www.ontario.ca/laws/statute/S06019" \l "schedds11) - 22/06/2006

[2017, c. 14, Sched. 4, s. 21](http://www.ontario.ca/laws/statute/S17014" \l "sched4s21) - 30/04/2018

Subrogation

**8** Where, as the result of the negligence or other wrongful act or omission of another person, any person suffers a loss for which the person receives a benefit from the Ministry, the Minister is subrogated to any right of the person sustaining the loss to recover the cost incurred for a past benefit provided to the person as a result of the loss and the cost that will probably be incurred for future benefits, and the Minister may bring action in his or her own name or in the name of the person receiving the benefit for the recovery of such costs. R.S.O. 1990, c. M.20, s. 8.

Inspection

**9** (1)  The Minister may designate in writing any person with power to perform an inspection of any book, record or account in respect of any payment made under any Act administered by the Ministry and may require a recipient of such payment to prepare and to submit to such person a financial statement that sets out the details of the disposition of the payment by the recipient. R.S.O. 1990, c. M.20, s. 9 (1).

Regulations, “recipient” defined

(2)  The Lieutenant Governor in Council may make regulations defining “recipient” for the purposes of this section. R.S.O. 1990, c. M.20, s. 9 (2).

Obstruction of inspector

(3)  No person shall obstruct the person designated under subsection (1) in the performance of an inspection of any book, record or account or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the inspection. R.S.O. 1990, c. M.20, s. 9 (3).

Offence

(4)  Every person who knowingly contravenes subsection (3) and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1990, c. M.20, s. 9 (4).

Idem, corporation

(5)  Where a corporation is convicted of an offence under subsection (4), the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein. R.S.O. 1990, c. M.20, s. 9 (5).

Commissioner for taking affidavits

**10** The Minister may designate one or more employees of the Ministry to be a commissioner or commissioners for taking affidavits within the meaning of the Commissioners for Taking Affidavits Act for the purpose of the Family Law Act. R.S.O. 1990, c. M.20, s. 10.

Grants re social and credit counselling services, etc.

**11** The Lieutenant Governor in Council or the Minister may, out of money appropriated therefor by the Legislature, direct payment from time to time of grants and contributions for consultation, research and evaluation services with respect to programs of social services, community services and social planning and for the provision, encouragement and development of credit counselling services and other social or community services. R.S.O. 1990, c. M.20, s. 11.

Grants for persons with a disability

**11.1**  (1)  The Minister may from time to time, out of money appropriated by the Legislature, make a grant to or on behalf of a person who has a disability and who is at least sixteen years old, to assist the person in obtaining goods and services that the person requires as a result of the disability. 1993, c. 2, s. 23.

Same

(2)  The Minister may from time to time, out of money appropriated by the Legislature, make a grant to an organization, agency or other entity, if the organization, agency or other entity has entered into an agreement with the Crown in right of Ontario to transfer the grant to or on behalf of persons who have a disability and who are at least sixteen years old to assist such persons in obtaining goods and services that they require as a result of the disability. 1993, c. 2, s. 23.

Compliance with regulations

(3)  All grants by the Minister under subsection (1) and all transfers of grants by an organization, agency or other entity referred to in subsection (2) shall be made in accordance with the regulations. 1993, c. 2, s. 23.

Conditions

(4)  The Minister may impose conditions on a grant made under this section. 1993, c. 2, s. 23.

**Section Amendments with date in force (d/m/y)**

1993, c. 2, s. 23 - 01/06/1994

Agreements for the provision of services

**12** The Minister may enter into agreements with organizations, municipalities or other persons or corporations respecting the provision of social services and community services including items, facilities and personnel relating thereto upon such terms and conditions as may be agreed and he or she may direct out of money appropriated by the Legislature the payment of such expenditures as are necessary for such purposes. R.S.O. 1990, c. M.20, s. 12.

Regulations governing occupation and operation of institutions

**13** (1)  Where any institution or organization is operated or managed for charitable objects or purposes and where,

(a) the persons operating and managing the institution so request; or

(b) the institution or organization procures funds for its operation from the public and the Lieutenant Governor in Council considers it necessary to ensure proper application of such funds; or

(c) any approval, licence or registration for the operation of the institution or organization required by any Act administered by the Minister, has been refused or revoked; or

(d) the Lieutenant Governor in Council considers it necessary in the best interests of those residing in or relying on the services of such institution or organization and for their immediate protection,

the Lieutenant Governor in Council may make regulations,

(e) designating such institution or organization to be subject to the control of the Minister;

(f) governing the operation and activities of any institution or organization designated under clause (e) and the procuring of funds from the public and the application thereof by such institution or organization;

(g) authorizing the Minister to operate and manage any such institution or organization designated under clause (e) and for that purpose, despite sections 25 and 39 of the Expropriations Act, authorizing the Minister to immediately occupy and operate, or arrange for the occupation and operation by a person or organization designated by him or her, any premises occupied or used by such institution or organization, but the rights of the owner under that Act, except the right to possession, shall not be affected thereby. R.S.O. 1990, c. M.20, s. 13 (1).

Warrant for entry and occupation

(2)  Where the Minister has been authorized under this section to occupy any premises, if the persons in occupation refuse to permit the Minister or persons authorized by him or her for that purpose to enter upon and occupy the premises or resist such entry, the Minister may apply without notice to a judge of the Superior Court of Justice for a warrant directing the sheriff to put the Minister or persons authorized by him or her in occupation of the premises and the judge, upon being satisfied that the Minister is so authorized to occupy the premises and of such refusal or resistance, may issue such warrant and the sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof. R.S.O. 1990, c. M.20, s. 13 (2); 2006, c. 19, Sched. C, s. 1 (1).

Period of occupation

(3)  Except with the consent of the person operating and managing an institution, the Minister shall not occupy and operate or arrange for the occupation and operation of the premises of an institution under subsection (1) for a period longer than a year, but the Lieutenant Governor in Council may from time to time extend such period. R.S.O. 1990, c. M.20, s. 13 (3).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Establishment of charitable institutions by Minister

**14** The Minister, with the approval of the Lieutenant Governor in Council, may establish, with property acquired by Her Majesty by way of gift or donation, any institution that may be operated or managed for charitable objects or purposes under any Act administered by the Minister, and the Minister may by way of lease or agreement provide for the management and operation on a non-profit basis of the institution by any person or organization with authority therefor under such Act subject to such Act and the regulations thereunder and upon such terms and conditions as may be agreed upon. R.S.O. 1990, c. M.20, s. 14.

**15** Repealed: 1997, c. 25, s. 4 (4).

**Section Amendments with date in force (d/m/y)**

1994, c. 27, s. 67 - 09/12/1994; 1997, c. 25, s. 4 (4) - 01/01/2011

[2006, c. 34, s. 35](http://www.ontario.ca/laws/statute/S06034" \l "s35) - 20/12/2006; [2006, c. 35, Sched. C, s. 69 (2)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs69s2) - 20/08/2007

**16** Repealed: 1997, c. 25, s. 4 (4).

**Section Amendments with date in force (d/m/y)**

1997, c. 25, s. 4 (4) - 01/01/2011

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Regulations

**17** The Lieutenant Governor in Council may make regulations,

(a) Repealed: 1997, c. 25, s. 4 (4).

(b) governing the making of grants under subsection 11.1 (1) or (2), including prescribing rules in connection with the making of such grants and conditions to be attached to such grants and requiring that information provided to the Minister in connection with grants be provided under oath;

(c) governing agreements between the Crown and an organization, agency or other entity receiving a grant under subsection 11.1 (2). 1993, c. 2, s. 24; 1997, c. 25, s. 4 (4).

**Section Amendments with date in force (d/m/y)**

1993, c. 2, s. 24 - 01/06/1994; 1997, c. 25, s. 4 (4) - 01/01/2011

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