

Veterans Well-being Regulations, SOR/2006-50 

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Veterans Well-being Regulations

SOR/2006-50

VETERANS WELL-BEING ACT

DEPARTMENT OF VETERANS AFFAIRS ACT
CANADIAN FORCES MEMBERS AND VETERANS RE-
ESTABLISHMENT AND COMPENSATION ACT

Registration 2006-03-23

Veterans Well-being Regulations

P.C. 2006-137 2006-03-23

Her Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and the Treasury Board, pursuant to [subsections 19\(2\) and 23\(4\)](#), [sections 26, 41 and 63](#), [subsections 64\(4\) and 74\(2\)](#) and [section 94](#) of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*^a and section 5^b of the *Department of Veterans Affairs Act*^c, hereby makes the annexed *Canadian Forces Members and Veterans Re-establishment and Compensation Regulations*.

^aS.C. 2005, c. 21

^bS.C. 2005, c. 21, s. 100

^cS.C. 2000, c. 34, par. 95(a)

Interpretation

1 The following definitions apply in these Regulations.

Act means the *Veterans Well-being Act*. (*Loi*)

Class A Reserve Service has the same meaning as in subarticle 9.06(1) of the *Queen's Regulations and Orders for the Canadian Forces* and includes proceeding to and returning from the place where the training or duty is performed. (*service de réserve de classe A*)

Class B Reserve Service has the same meaning as in article 9.07 of the *Queen's Regulations and Orders for the Canadian Forces*. (*service de réserve de classe B*)

Class C Reserve Service has the same meaning as in article 9.08 of the *Queen's Regulations and Orders for the Canadian Forces*. (*service de réserve de classe C*)

emergency has the same meaning as in [subsection 2\(1\)](#) of the *National Defence Act*. (*état d'urgence*)

regular force has the same meaning as in [subsection 2\(1\)](#) of the *National Defence Act*. (*force régulière*)

reserve force has the same meaning as in [subsection 2\(1\)](#) of the *National Defence Act*. (*force de réserve*)

SOR/2017-161, [s. 2](#).

1.1 For the purposes of Parts 2 and 3 of the Act, **barrier to re-establishment in civilian life** means the presence of a disability or a temporary or permanent physical or mental health problem that limits or prevents an individual's reasonable performance in civilian life of their roles in the workplace, home or community.

[SOR/2018-177, s. 1](#).

PART 1

Career Transition Services

[SOR/2011-219, [s. 1.](#)]

2 The following career transition services may be provided under Part 1 of the Act:

- (a)** the provision of labour market information;
- (b)** career counselling; and
- (c)** job-finding assistance.

SOR/2011-219, [s. 2](#); SOR/2012-289, [s. 13](#); SOR/2017-161, [s. 3](#).

3 An application under subsection 3(1) of the Act shall be made in writing and shall include, at the Minister's request, any information or documents that are necessary to enable the Minister to assess the applicant's eligibility for the services.

SOR/2011-219, [s. 3](#); SOR/2012-289, [s. 13](#); SOR/2017-161, [s. 3](#).

4 (1) For the purposes of subsection 3(2) of the Act, a member's absences from Canada shall be deemed not to have interrupted residence in Canada.

(2) For the purposes of subsections 3(3) and (4) of the Act, any intervals of absence from Canada totalling 183 days or less during a calendar year shall be deemed not to have interrupted residence in Canada.

SOR/2011-219, [s. 4](#); SOR/2011-302, [s. 1](#); SOR/2012-289, [s. 13](#); SOR/2017-161, [s. 3](#).

4.1 (1) For the purposes of [section 5](#) of the Act, the Minister may suspend the provision of career transition services so long as the person does not participate to the extent required to meet the objectives of the career transition plan.

(2) Before suspending the provision of the services, the Minister shall provide the person with written notification of the reasons for the suspension and the effective date of the suspension.

SOR/2017-161, [s. 3](#).

4.2 (1) For the purposes of [section 5](#) of the Act, the Minister may cancel the provision of career transition services if

(a) the person's eligibility was based on a misrepresentation or the concealment of a material fact; or

(b) a suspension under [section 4.1](#) continues for at least six months.

(2) On cancelling the provision of the services, the Minister shall provide the person with written notification of the reasons for the cancellation, the effective date of the cancellation and their rights of review.

SOR/2017-161, [s. 3](#).

PART 1.1

Education and Training Benefit

5 An application under section 5.2 of the Act shall be made in writing and shall include

(a) the length and type of service; and

(b) at the Minister's request, any other information or documents that are necessary to enable the Minister to assess the applicant's eligibility for the benefit.

SOR/2017-161, [s. 3](#).

5.01 For the purposes of paragraph 5.2(1)(a) of the Act, the length of service in the reserve force is to be determined in accordance with [section 3](#) of the *Canadian Forces Superannuation Regulations*.

SOR/2017-161, [s. 3](#).

5.02 For the purposes of subsection 5.3(2) of the Act, a veteran shall provide

(a) for the initial period of study, an education and training plan that includes

(i) the name and description of the course of study,

(ii) the tuition fees and any other related fees for which the veteran is requesting payment, and

(iii) the anticipated duration of the course of study for the veteran; and

(b) for any subsequent period of study,

(i) the tuition fees and any other related fees for which the veteran is requesting payment, and

(ii) the results obtained for the previous period of study.

SOR/2017-161, [s. 3](#).

5.03 For the purposes of section 5.4 of the Act, the prescribed amount of the education and training completion bonus is

\$1,000.

SOR/2017-161, [s. 3](#).

5.04 An application for an education and training completion bonus under section 5.4 of the Act shall be in writing and shall include proof of the degree, diploma, certification or designation received.

SOR/2017-161, [s. 3](#).

5.05 For the purposes of subsection 5.5(2) of the Act, the prescribed maximum cumulative amount is \$5000.

SOR/2017-161, [s. 3](#).

5.06 The following information is prescribed for the purposes of subsection 5.5(3) of the Act:

(a) the duration of the education or training; and

(b) proof of enrolment.

SOR/2017-161, [s. 3](#).

5.07 For the purposes of subsection 5.9(3) of the Act, the Minister may pay an education and training benefit after it would otherwise cease to be payable if

(a) due to circumstances beyond the veteran's control, the veteran is unable to complete their course of study before the benefit ceases to be payable under subsection 5.9(1) of the Act; and

(b) the veteran notifies the Minister as soon as practicable after the circumstances arise.

SOR/2017-161, [s. 3](#).

5.08 (1) The amounts referred to in subsection 5.2(2) of the Act and the amount set out in [section 5.05](#) of these Regulations shall be adjusted annually on January 1 in accordance with the percentage increase to the Consumer Price Index, rounded to the next 0.10%, for the year ending on October 31 of the previous year.

(2) The Consumer Price Index is the annual average all-items Consumer Price Index for Canada (not seasonally adjusted) published by Statistics Canada.

SOR/2017-161, [s. 3](#).

5.09 For the purposes of paragraph 5.2(1)(b) of the Act, an honourable release is a release for any of the following reasons:

- (a)** medical;
- (b)** voluntary; and
- (c)** service completed.

SOR/2017-161, [s. 3](#).

5.1 (1) For the purposes of section 5.92 of the Act, the Minister may suspend the payment of an education and training benefit if the results obtained by the veteran for previous periods of study demonstrate that the veteran is not

- (a)** progressing in the course of study to the extent required to meet the objectives of their education and training plan; or
- (b)** maintaining satisfactory academic standing within the educational institution.

(2) Before suspending the payment of the benefit, the Minister shall provide the veteran with written notification of the reasons for the suspension and the effective date of the suspension.

SOR/2017-161, [s. 3](#).

5.11 (1) For the purposes of section 5.92 of the Act, the Minister may cancel an education and training benefit if

(a) the veteran's eligibility for the benefit was based on a misrepresentation or the concealment of a material fact;

(b) the results obtained by the veteran whose payment is suspended under subsection 5.1(1) for a previous period of study continue to demonstrate that the veteran is not

(i) progressing in the course of study to the extent required to meet the objectives of their education and training plan, or

(ii) maintaining satisfactory academic standing within the educational institution; or

(c) the veteran fails to comply with a request made under subsection 5.3(2) and (3) or 5.5(3) and (4) of the Act for at least six months after the day on which the request is made.

(2) On cancelling the education and training benefit, the Minister shall provide the veteran with written notification of the reasons for the cancellation, the effective date of the cancellation and their rights of review.

SOR/2017-161, [s. 3](#).

PART 2

Rehabilitation Services, Vocational Assistance and Financial Benefits

Interpretation

6 (1) The definitions in this section apply for the purpose of Part 2 of the Act.

barrier to re-establishment in civilian life [Repealed, SOR/2018-177, s. 2]

diminished earning capacity means, in relation to a veteran, that the veteran is incapacitated by a permanent physical or mental health problem that prevents them from performing any occupation that would be considered to be suitable gainful employment. (*diminution de la capacité de gain*)

suitable gainful employment [Repealed, SOR/2016-240, s. 1]

totally and permanently incapacitated [Repealed, SOR/2016-240, s. 1]

(2) In this section, **suitable gainful employment** means, in relation to a veteran, employment for which the veteran is reasonably qualified by reason of education, training and experience and that provides a monthly rate of pay equal to at least 66 2/3% of the imputed income of the veteran as referred to in subsection 19(1) of the Act.

SOR/2009-225, s. 1(E); SOR/2016-240, s. 1; SOR/2018-177, s. 2.

Rehabilitation Services and Vocational Assistance

7 [Repealed, SOR/2018-177, s. 3]

8 For the purposes of subsection 10(4) and paragraph 13(4)(a) of the Act, the Minister shall have regard to the following principles:

(a) that the provision of services be focused on addressing the needs of the applicant;

(b) that the provision of services will involve family members to the extent required to facilitate the rehabilitation;

(c) that the services be provided as soon as practicable;

(d) that the services provided be focused on building the applicant's education, skills, training and experience; and

(e) that the services provided not be focused solely on the applicant's military occupation.

SOR/2009-225, s. 2(E); SOR/2015-69, s. 1; [SOR/2018-177, s. 4](#).

9 For the purposes of subsection 10(4) and paragraph 13(4)(a) of the Act, the Minister shall have regard to the following factors:

(a) the potential for improvement to an applicant's physical, psychological and social functioning, employability and quality of life;

(b) the need for family members to be involved in the provision of services;

(c) the availability of local resources;

(d) the motivation, interest and aptitudes of the applicant;

(e) the cost effectiveness of the plan; and

(f) the duration of the plan.

SOR/2009-225, s. 3(F); SOR/2015-69, s. 2; [SOR/2018-177, s. 5](#).

10 An application for rehabilitation services or vocational assistance shall be in writing and shall be accompanied by

(a) in the case of a veteran's application,

(i) medical reports or other records that document the veteran's physical or mental health problem,

(ii) any information or document that indicates the nature of the veteran's service in the Canadian Forces, and

(iii) any other information or document that indicates the circumstances of the veteran's physical or mental health problem that the veteran considers to be relevant in support of the application;

(b) in the case of a survivor's application,

(i) a copy of the member's or veteran's death certificate, and

(ii) medical reports or other records that document the member's or veteran's injury or disease, diagnosis and cause of death;

(c) a declaration attesting to the truth of the information provided; and

(d) at the Minister's request, any other information or documents that are necessary to enable the Minister to assess the applicant's eligibility.

SOR/2011-302, s. 2; SOR/2018-177, s. 6.

11 [Repealed, SOR/2017-42, s. 1]

12 (1) A person who is in receipt of rehabilitation services or vocational assistance shall provide, at the request of the Minister, the following information and documents relating to the provision of the services or assistance:

(a) attendance reports;

(b) evaluations, assessments and progress reports; and

(c) any other information or documents that are necessary to enable the Minister to assess the person's continued eligibility for the services or assistance.

(2) If a person fails to comply with a request under subsection (1), the Minister may suspend the delivery of rehabilitation services or vocational assistance until the information and documents are provided.

(3) Before suspending the delivery of services or assistance, the Minister shall provide the person with written notification of the reasons for the suspension and the effective date of the suspension.

SOR/2009-225, s. 4(F); SOR/2011-302, s. 3(E).

13 The Service Income Security Insurance Plan Long Term Disability (LTD) is prescribed for the purpose of subsection 16(1) of the Act.

14 (1) For the purposes of [section 17](#) of the Act, the Minister may cancel a person's rehabilitation plan or vocational assistance plan if

(a) the person does not participate to the extent required to meet the goals of the plan;

(b) the person's eligibility for the plan or the development of the plan was based on a misrepresentation or the concealment of a material fact; or

(c) the person, at least 6 months after the effective date of a suspension, continues to fail to comply with a request made under subsection 12(1).

(2) On cancelling a rehabilitation plan or vocational assistance plan, the Minister shall provide the person with written notification of the reasons for the cancellation, the effective date of the cancellation and their rights of review.

SOR/2009-225, s. 5(F).

15 (1) The Minister may pay the following expenses arising out of a person's participation in a rehabilitation plan or a vocational assistance plan:

(a) in the case of training,

(i) those required by the training institution including tuition fees, books, computers and peripheral equipment, software, safety equipment, special clothing and tools,

(ii) examination and licensing fees,

(iii) Internet access,

(iv) school supplies,

(v) tutoring,

(vi) transportation to and from the training facility

(A) when a private vehicle is used, at a rate equal to the greater of 15 cents/km and the applicable lower kilometric rate set out in Appendix A of the *Commuting Assistance Directive* published by the National Joint Council of the Public Service of Canada as amended from time to time, and

(B) when public transport is used, the cost of that transport,

(vii) the cost of a pass or permit for parking at or near the training facility for the duration of the training,

(viii) if the approved training is not available at a training facility located within a distance that would allow for daily commuting from the person's residence, the costs of temporary accommodations and the cost of one return trip per year from the person's residence to the location of the training facility for the purpose of establishing the temporary accommodations,

(ix) any other expenses that are required to enable the person to meet an occupational goal in the approved rehabilitation or vocational assistance plan, and

(x) 50% of the cost of additional dependant care, to a maximum amount of \$750 per month; and

(b) in the case of services, other than training,

(i) the costs of meals, transportation and accommodations incurred by the person in accordance with the rates set out in the Treasury Board Travel Directive, as amended from time to time, subject to the following conditions:

(A) if the means of transportation is a taxi, \$5.00 shall be deducted from the cost of each trip unless the person's mobility or cognition is severely impaired or the deduction would severely impede the person's ability to access the services, or

(B) if the means of transportation is an automobile other than a taxi, the costs of transportation shall be paid at the rate applicable to employees of the public service of Canada who have requested the use of their own automobile plus 2 cents per kilometre and shall include the costs of parking,

(ii) if the person's health needs in respect of the rehabilitation plan require the person to be accompanied by an escort while travelling, the costs of the escort's meals, transportation and accommodations in accordance with subparagraph (i),

(iii) the remuneration of an escort referred to in subparagraph (ii) if the escort is not the spouse, the common-law partner or a dependant of the person or any

other member of that person's household, at a daily rate computed by dividing by 30 the sum of basic and additional pension payable for a spouse or common-law partner at the rate set out in class 1 of Schedule I to the *Pension Act*, as adjusted in accordance with Part V of that Act, and

(iv) the costs of additional dependant care, to a maximum of \$75 per day.

(2) If a person receives rehabilitation services or vocational assistance in a country other than Canada, the costs referred to in paragraph (1)(b) are payable at the same rates and subject to the same conditions that are established for former members of the armed forces of that country for similar costs, or, if no such rates or conditions are established, at the rates and conditions that would be payable if the person were resident in Canada.

(3) The maximum amount that may be paid under subparagraphs (1)(a)(i) to (ix) is \$75,800 unless a higher amount is necessary to enable the person to meet an occupational goal in an approved rehabilitation or vocational assistance plan.

(4) The Minister may pay more than the percentage and maximum amount set out in subparagraph (1)(a)(x)

(a) if there are more than three dependants requiring care;

(b) if necessary as a result of the availability or location of care; or

(c) if necessary to enable the person to meet an occupational goal in an approved rehabilitation or vocational assistance plan.

SOR/2009-225, s. 6(E); SOR/2013-157, [s. 1](#).

16 A claim for reimbursement must be made in writing within one year after the day on which the expenditure is incurred and must include proof of the expenditure.

Income Replacement Benefit

17 (1) An application for an income replacement benefit shall be in writing and shall include

(a) in the case of an application made under subsection 18(1) of the Act,

(i) information that is necessary to determine the veteran's imputed income and all amounts payable from prescribed sources under subsection 19(1) of the Act,

(ii) medical reports or other records that document the veteran's physical or mental health problem,

(iii) any information or document that indicates the nature of the veteran's service in the Canadian Forces, and

(iv) any other information or document that indicates the circumstances of the veteran's physical or mental health problem that the veteran considers to be relevant in support of the application;

(b) in the case of an application made under subsection 22(1) of the Act,

(i) information that is necessary to determine the imputed income in respect of the member or veteran referred to in subsection 23(3) of the Act and all amounts payable from prescribed sources in respect of the member or veteran,

(ii) a copy of the member's or veteran's death certificate, and

(iii) medical reports or other records that document the member's or veteran's injury or disease, diagnosis and cause of death;

(c) in the case of an application made under subsection 24(1) or 26(1) of the Act, a copy of the member's or veteran's death certificate; and

(d) in all cases,

(i) a declaration attesting to the truth of the information provided, and

(ii) at the Minister's request, any other information or documents that are necessary to enable the Minister to assess the applicant's eligibility for the benefit or to determine the amount payable.

(2) For the purposes of paragraph 18(3)(a) of the Act, the information and documents referred to in subparagraphs (1)(a) (ii) to (iv) are the prescribed information.

SOR/2011-302, [s. 4](#); [SOR/2018-177, s. 7](#).

17.1 (1) For the purposes of subsection 18(5) of the Act, the Minister shall, in determining whether the veteran has a

diminished earning capacity that is due to a physical or mental health problem, require that the veteran undergo a vocational assessment and shall use the results of that assessment in making the determination.

(2) Despite subsection (1), the Minister may, in lieu of requiring that the veteran undergo the vocational assessment, make the determination based on medical reports or other records, information or documents available to the Minister, if he or she is of the opinion that those reports or records, information or documents are sufficient to make the determination.

[SOR/2018-177, s. 7.](#)

18.01 For the purposes of [sections 18](#) and [20](#), **minimum amount** means the minimum amount of imputed income of, or in respect of, a member or veteran that is set out in [section 18.02](#).

[SOR/2018-177, s. 7.](#)

18.02 Subject to [section 21](#), the minimum amount referred to in [sections 18](#) and [20](#) is \$4,500 per month.

[SOR/2018-177, s. 7.](#)

18 (1) For the purposes of subsection 19(1) of the Act, the imputed income of a veteran referred to in subsection 18(1) of the Act is equal to

(a) in the case of a veteran whose final release was from the regular force, the greater of the value of the veteran's monthly military salary at the time of release and the value of the minimum amount; and

(b) in the case of a veteran whose final release was from the reserve force, if the event that resulted in the physical or mental health problem occurred

(i) during regular force service, the greater of the value of the veteran's monthly military salary at the time of release from that service and the value of the minimum amount,

(ii) at any time during Class C Reserve Service, the greater of the value of the veteran's monthly military salary on the date of completion of the Class C Reserve Service and the value of the minimum amount, and

(iii) at any time during Class A Reserve Service or Class B Reserve Service, the greater of the value of the veteran's monthly military salary on the date of completion of the Class A Reserve Service or Class B Reserve Service and the value of the minimum amount.

(2) The value of the monthly military salary and of the minimum amount referred to in subsection (1) are determined on the date on which the benefit is payable and in each subsequent year, taking into account the adjustments referred to in subsections 21(1) and 21.1(1).

(3) For the purposes of subsection 115(2) of the Act, the imputed income that is taken into account in the determination of the benefit referred to in that subsection is equal to

(a) in the case of a veteran whose final release was from the regular force, the greater of the value of the veteran's

monthly military salary at the time of release and the value of the minimum amount; and

(b) in the case of a veteran whose final release was from the reserve force, if the event that resulted in the physical or mental health problem occurred

(i) during regular force service, the greater of the value of the veteran's monthly military salary at the time of release from that service and the value of the minimum amount,

(ii) at any time during Class C Reserve Service, the greater of the value of the veteran's monthly military salary on the date of completion of the Class C Reserve Service and the value of the minimum amount, and

(iii) at any time during Class A Reserve Service or Class B Reserve Service, the greater of the value of the veteran's monthly military salary on the date of completion of the Class A Reserve Service or Class B Reserve Service and the value of the minimum amount.

(4) The value of the monthly military salary and of the minimum amount referred to in subsection (3) are determined on March 31, 2019, taking into account the adjustments referred to in subsection 21(1).

SOR/2011-219, [s. 6](#); SOR/2015-69, s. 3; SOR/2016-240, [s. 3](#); [SOR/2018-177, s. 7](#).

19 [Repealed, [SOR/2018-177, s. 7](#)]

20 (1) For the purposes of subsection 23(1) of the Act, the imputed income of a member referred to in subsection 22(1) of

the Act is equal to

(a) in the case of a member who dies during regular force service, the greater of the value of the member's monthly military salary at the time of death and the value of the minimum amount; and

(b) in the case of a member who dies during reserve force service, if the injury or disease that resulted in the death was incurred, contracted or aggravated, as the case may be,

(i) during regular force service, the greater of the value of the member's monthly military salary at the time of release from that service and the value of the minimum amount,

(ii) at any time during Class C Reserve Service, the greater of the value of the member's monthly military salary — on the earlier of the date of completion of the Class C Reserve Service and the date of the member's death — and the value of the minimum amount, and

(iii) at any time during Class A Reserve Service or Class B Reserve Service, the greater of the value of the member's monthly military salary — on the earlier of the date of completion of the Class A Reserve Service or Class B Reserve Service and the date of the member's death — and the value of the minimum amount.

(2) The value of the monthly military salary and of the minimum amount referred to in subsection (1) are determined on the date on which the benefit is payable and in each

subsequent year, taking into account the adjustments referred to in subsections 21(1) and 21.1(1).

(3) For the purposes of subsection 23(1) of the Act, the imputed income of a veteran referred to in subsection 22(1) of the Act is equal to

(a) in the case of a deceased veteran whose final release was from the regular force, the greater of the value of the veteran's monthly military salary at the time of release and the value of the minimum amount; and

(b) in the case of a deceased veteran whose final release was from the reserve force, if the injury or disease that resulted in the death was incurred, contracted or aggravated, as the case may be,

(i) during regular force service, the greater of the value of the veteran's monthly military salary at the time of release from that service and the value of the minimum amount,

(ii) at any time during Class C Reserve Service, the greater of the value of the veteran's monthly military salary on the date of completion of the Class C Reserve Service and the value of the minimum amount, and

(iii) at any time during Class A Reserve Service or Class B Reserve Service, the greater of the value of the veteran's monthly military salary on the date of completion of the Class A Reserve Service or Class B Reserve Service and the value of the minimum amount.

(4) The value of the monthly military salary and of the minimum amount referred to in subsection (3) are determined on the date on which the benefit is payable and in each subsequent year, taking into account the adjustments referred to in subsections 21(1) and 21.1(1).

(5) For the purposes of subsection 118(2) of the Act, the imputed income that is taken into account in the determination of the benefit referred to in that subsection is equal to

(a) in the case of a deceased veteran whose final release was from the regular force, the greater of the value of the veteran's monthly military salary at the time of release and the value of the minimum amount; and

(b) in the case of a deceased veteran whose final release was from the reserve force, if the event that resulted in the physical or mental health problem occurred

(i) during regular force service, the greater of the value of the veteran's monthly military salary at the time of release from that service and the value of the minimum amount,

(ii) at any time during Class C Reserve Service, the greater of the value of the veteran's monthly military salary on the date of completion of the Class C Reserve Service and the value of the minimum amount, and

(iii) at any time during Class A Reserve Service or Class B Reserve Service, the greater of the value of the veteran's monthly military salary on the date of

completion of the Class A Reserve Service or Class B Reserve Service and the value of the minimum amount.

(6) The value of the monthly military salary and of the minimum amount referred to in subsection (5) are determined on March 31, 2019, taking into account the adjustment referred to in subsection 21(1).

SOR/2009-225, [s. 7](#); SOR/2011-219, [s. 6](#); SOR/2015-69, s. 5; SOR/2016-240, [s. 3](#); [SOR/2018-177, s. 8](#).

21 (1) The monthly military salary and the minimum amount referred to in [sections 18](#) and [20](#) shall be adjusted annually on January 1 in accordance with the percentage increase to the Consumer Price Index, rounded to the next 0.10%, for the year ending on October 31 of the previous year.

(2) The adjustments referred to in subsection (1) shall be made

(a) in the case of the monthly military salary, beginning at the time of release or on the date of completion of service or death of the member or veteran, as the case may be; and

(b) in the case of the minimum amount, beginning on April 1, 2019.

(3) The amount determined for A in subsection 19.1(1) of the Act shall be adjusted annually on January 1 in accordance with the percentage increase to the Consumer Price Index, rounded to the next 0.10%, for the year ending on October 31 of the previous year, unless that amount has been replaced under subsection 99(4) or 115(3) of the Act.

(4) The income replacement benefit determined in accordance with subsection 26.1(1) of the Act shall be adjusted annually on January 1 in accordance with the percentage increase to the Consumer Price Index, rounded to the next 0.10%, for the year ending on October 31 of the previous year, unless that amount has been replaced under subsection 118(3) of the Act.

(5) The Consumer Price Index is the annual average all-items Consumer Price Index for Canada (not seasonally adjusted) published by Statistics Canada.

(6) For greater certainty, if the adjustments referred to in this section apply in respect of a period during a calendar year, that period is considered to be the calendar year for the purpose of that adjustment.

SOR/2016-240, [s. 4](#); [SOR/2018-177, s. 8](#).

21.1 (1) The monthly military salary of a veteran referred to in subsection 18(7) of the Act and a member or veteran referred to in subsection 22(1) of the Act shall be adjusted annually on January 1, beginning at the time of release or on the date of completion or death of the member or veteran, as the case may be, in accordance with the formula

$$\mathbf{A + (A \times B)}$$

where

A is the value of the monthly military salary on the date on which it is adjusted; and

B is a career progression factor that is equal to 1%.

(2) The adjustments made to the monthly military salary under subsections 21(1) and 21.1(1) shall be made independently of one another.

(3) For greater certainty, if the adjustment referred to in subsection (1) applies in respect of a period during a calendar year, that period is considered to be the calendar year for the purpose of that adjustment.

(4) The adjustment referred to in subsection (1) shall not take effect, in respect of the amount of the income replacement benefit to be paid to a veteran, until the first day of the month in which the Minister determines under subsection 18(5) of the Act that the veteran has a diminished earning capacity that is due to a physical or mental health problem.

[SOR/2018-177, s. 8.](#)

21.2 (1) For the purposes of paragraphs 19(3)(a) and 23(5) (a) of the Act, the prescribed number of years of service in the Canadian Forces is not more than 20 years and includes the number of years served by the veteran from the date of enrolment to the date of final release, without regard to periods of interrupted service, as well as any subsequent year after their final release.

(2) For the purpose of calculating years of service, one year is equal to 365.24 days, consecutive or not.

[SOR/2018-177, s. 8.](#)

22 (1) The following sources are prescribed for the purpose of the determination of B in subsection 19(1) of the Act:

(a) benefits payable under the *Canadian Forces Superannuation Act*, the *Public Service Superannuation Act* or the *Employment Insurance Act*;

(b) benefits payable under the *Canada Pension Plan* or the *Act respecting the Québec Pension Plan*, CQLR, c. R-9;

(c) benefits payable under any employer-sponsored long-term disability insurance plan;

(d) compensation payable in respect of economic loss under the *Government Employees Compensation Act* or any provincial workers' compensation legislation;

(e) amounts payable in respect of economic loss arising from a legal liability to pay damages;

(f) benefits payable under an employer-sponsored pension plan;

(g) employment income in excess of \$20,000 earned in a calendar year;

(h) benefits payable under Part I of the *Royal Canadian Mounted Police Superannuation Act*; and

(i) benefits payable under the *Old Age Security Act*.

(2) Any amounts payable to a veteran for a dependent child or in respect of the veteran's deceased spouse or common-law partner are not to be included under subsection (1).

(3) An amount set out in subsection (1) that is paid to a veteran, other than on a monthly basis, before April 1, 2019 shall cease to be an amount from a prescribed source on the

first day of the month after the month in which the veteran attains the age of 65 years.

SOR/2012-195, s. 1; SOR/2013-157, s. 2(F); SOR/2015-197, s. 1; [SOR/2018-177, s. 8](#).

22.1 For the purposes of paragraph 22(1)(g), the following are taken into account in determining the annual employment income of a veteran referred to in subsection 19(1) of the Act:

(a) in the first year during which the income replacement benefit begins to be payable, employment income earned during the period beginning on the first day of the month in which the benefit begins to be payable to the veteran and ending on December 31 of that year; and

(b) in subsequent years, employment income earned in each calendar year.

SOR/2016-240, s. 5; [SOR/2018-177, s. 8](#).

23 (1) The following sources are prescribed for the purposes of subsection 23(3) of the Act in respect of a member or veteran referred to in paragraph 23(1)(a) of the Act:

(a) benefits payable under the *Canadian Forces Superannuation Act* or the *Public Service Superannuation Act*;

(b) benefits payable under the *Canada Pension Plan* or the *Act respecting the Québec Pension Plan*, CQLR, c. R-9;

(c) benefits payable under any employer-sponsored long-term disability insurance plan;

(d) compensation payable in respect of economic loss under the *Government Employees Compensation Act* or any provincial workers' compensation legislation;

(e) amounts payable in respect of economic loss arising from a legal liability to pay damages;

(f) benefits payable under an employer-sponsored pension plan; and

(g) benefits payable under Part I of the *Royal Canadian Mounted Police Superannuation Act*.

(2) The following sources are prescribed for the purposes of subsection 23(3) of the Act in respect of a member or veteran referred to in paragraph 23(1)(b) of the Act:

(a) benefits payable under the *Canadian Forces Superannuation Act* or the *Public Service Superannuation Act*;

(b) benefits payable under Part I of the *Royal Canadian Mounted Police Superannuation Act*;

(c) benefits payable under the *Canada Pension Plan* or the *Act respecting the Québec Pension Plan*, CQLR, c. R-9;

(d) benefits payable under the *Old Age Security Act*;

(e) benefits payable under any employer-sponsored long-term disability insurance plan;

(f) compensation payable in respect of economic loss under the *Government Employees Compensation Act* or any provincial workers' compensation legislation; and

(g) benefits payable under an employer-sponsored pension plan.

(3) Any amounts payable to a survivor for a dependent child are not to be included under subsections (1) and (2).

(4) An amount set out in subsection (1) that is paid to a survivor, other than on a monthly basis, before April 1, 2019 shall cease to be an amount from a prescribed source on the first day of the month after the month in which the member or veteran, if alive, would have attained the age of 65 years.

SOR/2012-195, s. 2; SOR/2015-197, s. 2; [SOR/2018-177, s. 8](#).

24 (1) If, during a calendar year, an amount from a prescribed source referred to in subsection 22(1) or 23(1) or (2) is paid other than on a monthly basis, it shall be converted into an amount payable for a month by dividing the total amount paid from that source by 12 and

(a) if it relates to the calendar year in which it is paid, shall be considered for the purpose of that calendar year;

(b) if it relates to a previous calendar year, shall be considered for the purpose of that previous calendar year;
and

(c) if it relates to a subsequent calendar year, shall be considered for the purpose of the calendar year in which it is paid.

(2) If an amount from a prescribed source is paid to a veteran referred to in section 99 of the Act or to a survivor referred to in section 106 of the Act, other than on a monthly basis, before

April 1, 2019, it shall be converted into a monthly payment in accordance with generally accepted actuarial principles.

[SOR/2018-177, s. 8.](#)

24.1 (1) The following sources are prescribed for the purpose of the determination of B in subsection 19.1(1) of the Act:

(a) benefits payable under the *Canadian Forces Superannuation Act*, the *Public Service Superannuation Act* or the *Employment Insurance Act*;

(b) benefits payable under Part I of the *Royal Canadian Mounted Police Superannuation Act*;

(c) benefits payable under the *Canada Pension Plan* or the *Act respecting the Québec Pension Plan*, CQLR, c. R-9;

(d) benefits payable under the *Old Age Security Act*;

(e) benefits payable under any employer-sponsored long-term disability insurance plan;

(f) compensation payable in respect of economic loss under the *Government Employees Compensation Act* or any provincial workers' compensation legislation;

(g) benefits payable under an employer-sponsored pension plan; and

(h) employment income in excess of \$20,000 earned in a calendar year.

(2) Any amounts payable to a veteran for a dependent child or in respect of the veteran's deceased spouse or common-law partner are not to be included under subsection (1).

SOR/2018-177, s. 8.

24.2 For the purposes of paragraph 24.1(1)(h), the following are taken into account in determining the annual employment income of a veteran referred to in subsection 19.1(1) of the Act:

- (a) in the first year during which the income replacement benefit begins to be payable, employment income earned during the period beginning on the first day of the month in which the benefit begins to be payable to the veteran and ending on December 31 of that year; and
- (b) in subsequent years, employment income earned in each calendar year.

SOR/2018-177, s. 8.

24.3 (1) The following sources are prescribed for the purposes of subsection 26.1(3) of the Act:

- (a) benefits payable under the *Canadian Forces Superannuation Act* or the *Public Service Superannuation Act*;
- (b) benefits payable under Part I of the *Royal Canadian Mounted Police Superannuation Act*;
- (c) benefits payable under the *Canada Pension Plan* or the *Act respecting the Québec Pension Plan*, CQLR, c. R-9;
- (d) benefits payable under the *Old Age Security Act*;
- (e) benefits payable under any employer-sponsored long-term disability insurance plan;

(f) compensation payable in respect of economic loss under the *Government Employees Compensation Act* or any provincial workers' compensation legislation; and

(g) benefits payable under an employer-sponsored pension plan.

(2) Any amounts payable to a survivor for a dependent child are not to be included under subsection (1).

[SOR/2018-177, s. 8.](#)

24.4 If, during a calendar year, an amount from a prescribed source referred to in subsection 24.1(1) or 24.3(1) is paid other than on a monthly basis, it shall be converted into an amount payable for a month by dividing the total amount paid from that source by 12 and

(a) if it relates to the calendar year in which it is paid, shall be considered for the purpose of that calendar year;

(b) if it relates to a previous calendar year, shall be considered for the purpose of that previous calendar year; and

(c) if it relates to a subsequent calendar year, shall be considered for the purpose of the calendar year in which it is paid.

[SOR/2018-177, s. 8.](#)

25 (1) A person referred to in subsection 19(1) or paragraph 23(1)(a) of the Act who is entitled to an income replacement benefit shall

(a) in the case of a veteran, notify the Minister of their employment income and provide the Minister with an annual statement of their employment income;

(b) notify the Minister of any change to amounts payable from sources referred to in subsection 22(1) or 23(1);

(c) provide the Minister with annual statements of amounts payable from sources referred to in subsection 22(1) or 23(1); and

(d) at the Minister's request, provide any other information or documents that are necessary to enable the Minister to assess the person's continued eligibility for the benefit or to determine the amount of the benefit payable.

(2) A person referred to in subsection 19.1(1), paragraph 23(1)(b) or subsection 26.1(1) of the Act who is entitled to an income replacement benefit shall

(a) in the case of a veteran, notify the Minister of their employment income;

(b) notify the Minister of any change to amounts payable from sources referred to in subsection 23(2), 24.1(1) or 24.3(1); and

(c) at the Minister's request, provide any other information or documents that are necessary to enable the Minister to assess the person's continued eligibility for the benefit or to determine the amount of the benefit payable.

SOR/2009-225, [s. 8](#); SOR/2011-302, [s. 5](#); SOR/2012-289, s. 14(E); [SOR/2018-177, s. 8](#).

25.1 (1) For the purposes of [section 21](#) of the Act, the Minister may suspend the payment of an income replacement benefit to a veteran who fails to do either of the following until the situation that gave rise to the suspension is resolved:

(a) provide the information or documents required under [section 25](#); or

(b) comply with paragraph 18(2)(b) of the Act.

(2) For the purposes of section 26.2 of the Act, the Minister may suspend the payment of an income replacement benefit to a person who is entitled to that benefit if they fail to provide the information or documents required under [section 25](#) until the information and documents are provided.

(3) Before suspending the payment of the income replacement benefit, the Minister shall provide the person with written notification of the reasons for the suspension and the effective date of the suspension.

[SOR/2018-177, s. 8.](#)

26 (1) For the purposes of sections 21 and 26.2 of the Act, the Minister may cancel the payment of an income replacement benefit if

(a) the situation that gave rise to the suspension of the payment of the benefit is not resolved within six months from the effective date of the suspension; or

(b) the assessment of the person's eligibility for the benefit or the determination of the amount payable was based on a misrepresentation or the concealment of a material fact.

(2) On cancelling the payment of the income replacement benefit, the Minister shall provide the person with written notification of the reasons for the cancellation, the effective date of the cancellation and their rights of review.

[SOR/2018-177, s. 8.](#)

27 [Repealed, [SOR/2018-177, s. 8](#)]

28 [Repealed, [SOR/2018-177, s. 8](#)]

29 [Repealed, [SOR/2018-177, s. 8](#)]

Canadian Forces Income Support Benefit

30 An application for a Canadian Forces income support benefit shall be in writing and shall be accompanied by

(a) a statement of income of the applicant and, if applicable, of their spouse or common-law partner;

(b) in the case of an application of a survivor or orphan,

(i) a copy of the death certificate of the member or veteran, and

(ii) medical reports or other records that document the member's or veteran's injury or disease, diagnosis and cause of death;

(c) a declaration attesting to the truth of the information provided; and

(d) at the request of the Minister, any other information or documents that are necessary to enable the Minister to assess whether the applicant is eligible for the benefit or the amount of benefit payable.

SOR/2011-302, s. 8.

31 The application shall be made

(a) in the case of an initial application under [section 27](#) of the Act, no later than six months after the last day of the last month in which the veteran was entitled to the income replacement benefit;

(b) in the case of an initial application under [section 28](#) of the Act, no later than 6 months after the last day of the month in which the veteran dies; and

(c) in the case of a subsequent application under [section 27](#) or [28](#) of the Act, no later than 6 months after the last day of the month in which the benefit ceases to be payable under subsection 35(6) of the Act.

[SOR/2018-177, s. 9.](#)

32 For the purposes of paragraphs 27(b), 28(b) and 35(6)(b) of the Act, the veteran or survivor, as the case may be, must demonstrate that they are looking for and will accept employment that is available in the local labour market for which they are reasonably qualified by reason of their education, training or experience.

33 For the purposes of [section 33](#) and [34](#) of the Act, a person's residence in Canada is presumed not to be interrupted if the person has been absent from Canada for 183 days or less in a calendar year.

34 (1) A person who is in receipt of a Canadian Forces income support benefit shall

(a) notify the Minister of changes in income, or changes to monthly benefits payable from the sources referred to in [section 37](#);

(b) in the case of a veteran, notify the Minister of changes in income, or changes in monthly benefits payable to their spouse or common-law partner from the sources referred to in [section 37](#);

(c) in the case of a veteran, notify the Minister of changes to their spousal or common-law partner status and number of dependent children;

(d) in the case of an orphan, notify the Minister when they cease to follow a course of instruction;

(e) notify the Minister when they intend to be absent from Canada for more than 183 days in a calendar year; and

(f) at the request of the Minister, provide the information or documents referred to in any of paragraphs (a) to (e) or any other information or documents that are necessary to enable the Minister to assess the person's continued eligibility for the benefit or to determine the amount of benefit payable.

(2) For the purposes of [section 36](#) of the Act, the Minister may suspend the payment of a Canadian Forces income support benefit to a person who fails to comply with subsection (1) until the information and documents are provided.

(3) Before suspending the payment, the Minister shall provide the person with written notification of the reasons for the suspension and the effective date of the suspension.

SOR/2011-302, [s. 9](#).

35 (1) For the purposes of [section 36](#) of the Act, the Minister may cancel the payment of a Canadian Forces income support benefit to a person if

(a) the person, at least 6 months after the effective date of the suspension, continues to fail to comply with paragraph 34(1)(f); or

(b) the person's eligibility for the benefit or the determination of the amount payable was based on a misrepresentation or the concealment of a material fact.

(2) On cancelling the payment, the Minister shall provide the person with written notification of the reasons for the cancellation, the effective date of the cancellation and their rights of review.

36 For the purposes of [section 37](#) of the Act, the following definitions apply.

base calendar year means the 12-month period starting with any month in which the Canadian Forces income support benefit is payable. (*année civile de base*)

income, in respect of a person for a base calendar year, has the same meaning as in [section 2](#) of the [Old Age Security Act](#) except that

(a) it does not include the aggregate of net income from employment, self-employment or rental of property that is equal to or less than

(i) in the case of a veteran with no spouse or common-law partner, \$2,900,

(ii) in the case of a veteran with a spouse or common-law partner, \$4,200,

(iii) in the case of a survivor, \$2,900, and

(iv) in the case of an orphan, \$2,900;

(b) it does not include interest income that, in the case of a veteran, survivor or orphan, is equal to or less than \$140;

(c) it does not include income replacement benefits payable under [section 18](#), [22](#) or [26](#) of the Act;

(d) it does not include long-term disability benefits payable under the Service Income Security Insurance Plan Long Term Disability (LTD);

(e) paragraph (d) of the definition “income” in [section 2](#) of the *Old Age Security Act* does not apply;

(f) business and capital losses shall be taken into account in the year in which they occur; and

(g) dividend income shall be taken into account on the basis of the actual amount of the dividend. (*revenu*)

[SOR/2018-177, s. 10.](#)

37 For the purposes of [section 37](#) of the Act, the prescribed sources of current monthly benefits are

(a) income replacement benefits payable under the Act;

(b) long-term disability benefits payable under the Service Income Security Insurance Plan Long Term Disability (LTD);

(c) disability pension benefits payable under the *Royal Canadian Mounted Police Pension Continuation Act* or the *Royal Canadian Mounted Police Superannuation Act* other than amounts payable for a dependent child;

(d) benefits payable under the *Old Age Security Act*; and

(e) compassionate awards payable under [section 34](#) of the *Veterans Review and Appeal Board Act* to those persons who have been refused a disability pension under the *Pension Act*.

SOR/2012-195, [s. 3](#); SOR/2018-177, [s. 11](#).

38 (1) The amounts set out in column 2 of Schedule 1 to the Act shall be adjusted quarterly commencing on January 1 of each year in accordance with the percentage increase to the Consumer Price Index for the quarter ending on the last day of the third month prior to the month of the adjustment.

(2) The Consumer Price Index is the annual all-items Consumer Price Index for Canada (not seasonally adjusted) published by Statistics Canada.

39 If a pension or supplement, as those terms are defined in [section 2](#) of the *Old Age Security Act*, is increased as a result of an amendment to that Act, the amounts set out in column 2 of items 1, 2 and 4 of Schedule 1 to the Act shall be increased in the following manner:

(a) the amounts set out in items 1 and 4 shall be increased by the amount of the increase for a single pensioner under the *Old Age Security Act*; and

(b) the amount set out in item 2 shall be increased by an amount equal to the difference between the increase to the amount for a couple under the *Old Age Security Act* and the increase to the amount for a single pensioner under the *Old Age Security Act*.

40 [Repealed, SOR/2018-177, s. 12]

41 [Repealed, SOR/2018-177, s. 12]

42 [Repealed, SOR/2018-177, s. 12]

43 [Repealed, SOR/2018-177, s. 12]

44 [Repealed, SOR/2018-177, s. 12]

45 [Repealed, SOR/2018-177, s. 12]

46 [Repealed, SOR/2018-177, s. 12]

46.1 [Repealed, SOR/2018-177, s. 12]

46.2 [Repealed, SOR/2018-177, s. 12]

46.3 [Repealed, SOR/2018-177, s. 12]

46.4 [Repealed, SOR/2018-177, s. 12]

46.5 [Repealed, SOR/2018-177, s. 12]

46.6 [Repealed, SOR/2018-177, s. 12]

46.7 [Repealed, SOR/2018-177, s. 12]

46.8 [Repealed, SOR/2018-177, s. 12]

PART 3

Death, Disability and Detention

Interpretation

47 The following definitions apply in this Part.

obvious, when used with reference to a disability or disabling condition of a member or veteran at the time they became a member, means that the disability or disabling condition was apparent at that time or would have been apparent to an unskilled observer on examination of the member or veteran at that time. (*évident*)

recorded on medical examination prior to enrolment, in respect of a disability or disabling condition of a member or veteran, means a written record, X-ray film or photograph of the disability or disabling condition that was placed in

(a) a medical report made on the enrolment of the member or veteran;

(b) official documentation covering a former period of service of the member or veteran;

(c) the files of the Department of Veterans Affairs relating to the member or veteran;

(d) the records of a compensation board or insurance company relating to the member or veteran; or

(e) the records of a medical practitioner or a clinic, hospital or other medical institution relating to the member or veteran. (*consigné lors d'un examen médical avant l'enrôlement*)

Application

48 An application for compensation under Part 3 of the Act shall be made in writing and shall include

(a) a declaration attesting to the truth of the information provided; and

(b) at the request of the Minister, any information or documents that are necessary to enable the Minister to assess whether an applicant is eligible for compensation or the amount of compensation payable.

SOR/2009-225, s. 12(F); SOR/2011-302, [s. 12](#).

Critical Injury Benefit

48.1 An application for a critical injury benefit shall include medical reports or other records that document the member's or veteran's injury or disease, the diagnosis and the nature and duration of treatment received.

SOR/2015-197, [s. 4](#).

48.2 The presumptions set out in [section 50](#) apply with any necessary modifications to applications for a critical injury benefit.

SOR/2015-197, [s. 4](#).

48.3 For the purpose of subsection 44.1(2) of the Act, the Minister shall consider whether the member or the veteran

(a) sustained an amputation at or above the wrist or ankle;

(b) sustained legal blindness in both eyes — meaning that their best corrected visual acuity is less than or equal to

6/60 or they have less than 20 degrees of visual field remaining — for a minimum of 84 consecutive days;

(c) sustained quadriplegia, paraplegia, hemiplegia or complete paralysis of a limb for a minimum of 84 consecutive days;

(d) sustained total loss of urinary or bowel function for a minimum of 84 consecutive days;

(e) required the assistance of at least one person to perform at least three activities of daily living for a minimum of 112 consecutive days;

(f) was admitted to an intensive care unit for a minimum of five consecutive days;

(g) was admitted to a hospital for acute or rehabilitative inpatient care for a minimum of 84 consecutive days; or

(h) was admitted to a hospital for acute or rehabilitative inpatient care for less than 84 consecutive days during which the member or the veteran received complex treatments.

SOR/2015-197, [s. 4](#).

48.4 For the purpose of subsection 44.1(1) of the Act, a sudden and single incident is a one-time event — including motor vehicle accidents, falls, explosions, gunshot wounds, electrocution, and exposure to chemical agents — in which the member is abruptly exposed to external factors.

SOR/2015-197, [s. 4](#).

Pain and Suffering Compensation

49 An application for pain and suffering compensation shall include

(a) medical reports or other records that document the member's or veteran's injury or disease, diagnosis, disability and increase in the extent of the disability; and

(b) in the case of an application by a survivor or a dependent child,

(i) a copy of the death certificate of the member or veteran, and

(ii) medical reports or other records that document the cause of death of the member or veteran.

SOR/2011-302, s. 13(F); SOR/2013-157, s. 3(E); [SOR/2018-177, s. 18](#).

50 For the purposes of subsection 45(1) of the Act, a member or veteran is presumed, in the absence of evidence to the contrary, to have established that an injury or disease is a service-related injury or disease, or a non-service-related injury or disease that was aggravated by service, if it is demonstrated that the injury or disease or its aggravation was incurred in the course of

(a) any physical training or sports activity in which the member or veteran was participating that was authorized or organized by a military authority, or performed in the interests of the service although not authorized or organized by a military authority;

(b) any activity incidental to or directly connected with an activity described in paragraph (a), including the

transportation of the member or veteran by any means between the place at which the member or veteran normally performed duties and the place of the activity;

(c) the transportation of the member or veteran, in the course of duties, in a military vessel, vehicle or aircraft or by any means of transportation authorized by a military authority, or any act done or action taken by any person that was incidental to or directly connected with that transportation;

(d) the transportation of the member or veteran while on authorized leave by any means authorized by a military authority, other than public transportation, between the place at which the member or veteran normally performed duties and the place at which the member or veteran was to take leave or a place at which public transportation was available;

(e) service in an area in which the prevalence of the disease that was contracted by the member or veteran, or that aggravated an existing injury or disease of the member or veteran, constituted a health hazard to persons in that area;

(f) any military operation, training or administration, as a result of either a specific order or an established military custom or practice, whether or not a failure to perform the act that resulted in the injury or disease or its aggravation would have resulted in disciplinary action against the member or veteran; or

(g) the performance by the member or veteran of any duties that exposed the member or veteran to an

environmental hazard that might reasonably have caused the injury or disease or its aggravation.

51 Subject to [section 52](#), if an application for pain and suffering compensation is in respect of a disability or disabling condition of a member or veteran that was not obvious at the time they became a member of the forces and was not recorded on their medical examination prior to enrolment, the member or veteran is presumed to have been in the medical condition found on their enrolment medical examination unless there is

(a) recorded evidence that the disability or disabling condition was diagnosed within three months after enrolment; or

(b) medical evidence that establishes beyond a reasonable doubt that the disability or disabling condition existed prior to enrolment.

[SOR/2018-177, s. 18.](#)

52 Information given by a member or veteran at the time of enrolment with respect to a disability or disabling condition is not evidence that the disability or disabling condition existed prior to their enrolment unless there is corroborating evidence that establishes beyond a reasonable doubt that the disability or disabling condition existed prior to the time they became a member of the forces.

53 A member or veteran who is in receipt of pain and suffering compensation shall, at the Minister's request, provide medical reports or other records or any other information or documents that are necessary to enable the Minister to assess the

member's or veteran's continued eligibility for the compensation or the extent of the member's or veteran's disability or to determine the amount of the compensation payable.

[SOR/2018-177, s. 13.](#)

53.1 (1) For the purposes of section 52.1 of the Act, the Minister may suspend the payment of pain and suffering compensation to a member or veteran who fails to provide the information or documents required under [section 53](#) until the information and documents are provided.

(2) Before suspending the payment of pain and suffering compensation to a member or veteran, the Minister shall provide the member or the veteran with written notification of the reasons for the suspension and the effective date of the suspension.

[SOR/2018-177, s. 13.](#)

53.2 (1) For the purposes of section 52.1 of the Act, the Minister may cancel the payment of pain and suffering compensation if

(a) the situation that gave rise to the suspension of the payment of pain and suffering compensation is not resolved within six months from the effective date of the suspension; or

(b) the assessment of the member's or veteran's eligibility for pain and suffering compensation or of the extent of their disability or the determination of the amount payable was based on a misrepresentation or the concealment of a material fact.

(2) On cancelling the payment of pain and suffering compensation, the Minister shall provide the member or the veteran with written notification of the reasons for the cancellation, the effective date of the cancellation and the member's or veteran's rights of review.

[SOR/2018-177, s. 13.](#)

53.3 For the purposes of subsection 53(1) of the Act, a member or veteran may elect to receive the pain and suffering compensation as a lump sum by notifying the Minister in writing of their election.

[SOR/2018-177, s. 13.](#)

53.4 (1) The following sources are prescribed for the purposes of section 56.3 of the Act:

(a) amounts arising from a legal liability to pay damages for non-economic loss; and

(b) compensation payable in respect of non-economic loss under

(i) the [Government Employees Compensation Act](#),

(ii) any provincial workers' compensation legislation,

(iii) a compensation plan established by any other legislation of a similar nature, whether federal, provincial or of another jurisdiction other than a plan to which the member or veteran has contributed, and

(iv) a compensation plan of a similar nature established by the United Nations or by or under an international

agreement to which Canada is a party, other than a plan to which the member or veteran has contributed.

(2) For the purposes of section 56.3 of the Act, the amount by which the Minister may reduce the pain and suffering compensation that is payable monthly to a member or veteran is the lesser of

(a) the amount that is payable from the prescribed source, converted into a monthly amount in accordance with generally accepted actuarial principles if it has been paid or is payable in a lump sum or on a periodic basis other than monthly, and

(b) the full amount of pain and suffering compensation that is payable monthly.

(3) For the purposes of section 56.3 of the Act, the amount by which the Minister may reduce the pain and suffering compensation that is payable as a lump sum to a member or veteran is the lesser of

(a) the amount that is payable from the prescribed source, converted into a lump-sum amount in accordance with generally accepted actuarial principles if it has been paid or is payable on a periodic basis, and

(b) the full amount of pain and suffering compensation that is payable as a lump sum.

(4) If the pain and suffering compensation paid to a member or veteran was reduced in accordance with subsection (2) or (3) and, at the time of the member's or veteran's death, the total amount of the reduction exceeds the total amounts

received from the prescribed source, the reduction in the pain and suffering compensation shall be redetermined in accordance with subsection (2) or (3) with the references in paragraphs (2)(a) and (3)(a) to the amount that is payable from the prescribed source being replaced with references to the total amount received by the member or veteran from the prescribed source before death.

(5) If the redetermination under subsection (4) results in a smaller reduction of pain and suffering compensation than was previously determined under subsection (2) or (3), the difference between the two amounts is to be paid to the member's or veteran's survivor or dependent children in the manner set out in section 56.1 of the Act.

[SOR/2018-177, s. 13.](#)

Additional Pain and Suffering Compensation

54 For the purposes of section 56.6 of the Act, a permanent and severe impairment is

- (a)** an amputation at or above the elbow or the knee;
- (b)** the amputation of more than one upper or lower limb at any level;
- (c)** a total and permanent loss of the use of a limb;
- (d)** a total and permanent loss of vision, hearing or speech;
- (e)** a severe and permanent psychiatric condition;
- (f)** a severe and permanent limitation in mobility or self-care; or
- (g)** a permanent requirement for supervision.

SOR/2013-157, s. 3(E); [SOR/2018-177, s. 13](#).

54.1 For the purposes of subsection 56.6(4) of the Act, the assessment of the extent of the veteran's permanent and severe impairment shall be based on any relevant factor, including

- (a) the need for institutional care;
- (b) the need for supervision and assistance;
- (c) the degree of the loss of use of a limb;
- (d) the frequency of the symptoms; and
- (e) the degree of psychiatric impairment.

SOR/2011-219, [s. 9](#); [SOR/2018-177, s. 13](#).

54.2 An application for additional pain and suffering compensation or for a reassessment of the extent of the veteran's permanent and severe impairment shall include medical reports or other records that document the veteran's disability that is creating the permanent and severe impairment and the barrier to re-establishment in civilian life.

SOR/2011-219, [s. 9](#); [SOR/2018-177, s. 13](#).

54.3 A veteran who is in receipt of additional pain and suffering compensation shall, at the Minister's request, provide medical reports or other records or any other information or documents that are necessary to enable the Minister to assess the veteran's continued eligibility for the compensation or the extent of the veteran's permanent and severe impairment.

SOR/2011-219, [s. 9](#); [SOR/2018-177, s. 13](#).

54.4 (1) For the purposes of section 56.8 of the Act, the Minister may suspend the payment of additional pain and suffering compensation to a veteran who fails to do either of the following until the situation that gave rise to the suspension is resolved:

(a) provide the information or documents required under [section 54.3](#); or

(b) undergo a medical examination or an assessment required by the Minister under section 56.7 of the Act.

(2) Before suspending the payment of additional pain and suffering compensation to a veteran, the Minister shall provide the veteran with written notification of the reasons for the suspension and the effective date of the suspension.

[SOR/2018-177, s. 13.](#)

54.5 (1) For the purposes of section 56.8 of the Act, the Minister may cancel the payment of additional pain and suffering compensation if

(a) the situation that gave rise to the suspension of the payment of additional pain and suffering compensation is not resolved within six months from the effective date of the suspension; or

(b) the assessment of the veteran's eligibility for additional pain and suffering compensation or of the extent of their permanent and severe impairment was based on a misrepresentation or the concealment of a material fact.

(2) On cancelling the payment of additional pain and suffering compensation, the Minister shall provide the veteran with

written notification of the reasons for the cancellation, the effective date of the cancellation and the veteran's rights of review.

[SOR/2018-177, s. 13.](#)

Death Benefit

55 An application for a death benefit shall include medical reports or other records that document the member's injury or disease, diagnosis and cause of death.

56 The presumptions set out in [section 50](#) apply with any necessary modifications to applications for a death benefit.

SOR/2009-225, s. 13(E).

57 (1) For the purposes of subsection 58(2) of the Act, the prescribed sources are those set out in subsection 53.4(1).

(2) For the purposes of subsection 58(2) of the Act, the amount by which the Minister may reduce the death benefit is the lesser of

(a) the amount that is payable from the prescribed source, converted into a lump-sum amount in accordance with generally accepted actuarial principles if it has been paid or is payable on a periodic basis, and

(b) the full amount of the death benefit.

[SOR/2018-177, s. 14.](#)

58 [Repealed, [SOR/2018-177, s. 14](#)]

Clothing Allowance

59 A clothing allowance shall be paid monthly.

Detention Benefit

60 An application for a detention benefit by the testamentary estate or testamentary succession of a deceased member or veteran must include

(a) a copy of the death certificate of the member or veteran;

(b) a copy of the last will and testament of the member or veteran; and

(c) a copy of the letters probate or other applicable documentation demonstrating the appointment of an executor.

SOR/2011-302, s. 14(F).

61 A detention benefit shall be paid as a lump sum in an amount equal to the amount set out in column 4 of Schedule 3 to the Act, as adjusted in accordance with [section 63.1](#), for each of the following rates of pain and suffering compensation set out in column 1 of that Schedule:

(a) in respect of periods of detention totalling at least 30 days but not more than 88 days, 5%;

(b) in respect of periods of detention totalling at least 89 days but not more than 545 days, 10%;

(c) in respect of periods of detention totalling at least 546 days but not more than 910 days, 15%;

(d) in respect of periods of detention totalling at least 911 days but not more than 1,275 days, 30%;

(e) in respect of periods of detention totalling at least 1,276 days but not more than 1,641 days, 35%; and

(f) in respect of periods of detention totalling at least 1,642 days, 40%.

SOR/2016-240, s. 9; SOR/2018-177, s. 15.

General

62 A person to whom an amount is paid or payable under any of [sections 100 to 103](#) of the *Budget Implementation Act, 2016, No. 1*, or who receives a critical injury benefit, a detention benefit, a death benefit, a disability award equal to or greater than the amount set out in column 3 of Schedule 3 to the Act as it read immediately before April 1, 2019, as adjusted in accordance with [section 63.1](#), that corresponds to a rate of award of 5% set out in column 1 of that Schedule, or pain and suffering compensation equal to or greater than the amount set out in column 3 of Schedule 3 to the Act, as adjusted in accordance with section 63.1, that corresponds to a rate of pain and suffering compensation of 5% set out in column 1 of that Schedule, is eligible, on application, for the payment or reimbursement of fees for financial advice, to a maximum of \$500, relating to the amount, award or benefit if

(a) the financial advice is provided by an arms-length financial adviser who is primarily engaged in the business of providing financial advice;

(b) the person makes the application within 12 months after

(i) in the case of an amount paid or payable under any of [sections 100 to 103](#) of the *Budget Implementation Act*,

2016, No. 1, the date of the letter notifying the person of the amount paid or payable, or

(ii) in any other case, the date of the decision; and

(c) the person provides an invoice containing the name and business address of the financial adviser and, if applicable, proof of payment.

SOR/2015-197, [s. 5](#); SOR/2016-240, [s. 10](#); SOR/2018-177, [s. 16](#).

63 (1) In this section, **basic pension** means the monthly basic pension payable under Schedule I to the *Pension Act* to a Class 1 pensioner without a spouse, common-law partner or child.

(2) The amount set out in column 2 of item 4 of Schedule 2 to the Act shall be adjusted on January 1 of every calendar year so that the amount payable for that year equals the product obtained by multiplying

(a) the amount payable in the preceding calendar year

by

(b) the ratio that the basic pension payable in the calendar year bears to the basic pension payable in the preceding calendar year.

SOR/2015-197, [s. 6](#); SOR/2016-240, [s. 11](#).

63.1 (1) The amounts set out in items 2.2 and 3, column 2, of Schedule 2 to the Act and all the amounts in columns 3 and 4 of Schedule 3 to the Act and column 2 of Schedule 4 to the Act shall be adjusted annually on January 1 in accordance with the

percentage increase to the Consumer Price Index, rounded to the next 0.10%, for the year ending on October 31 of the previous year.

(2) The Consumer Price Index is the annual average all-items Consumer Price Index for Canada (not seasonally adjusted) published by Statistics Canada.

SOR/2016-240, [s. 12](#); [SOR/2018-177, s. 17](#).

63.2 The Minister may require a person who may be entitled to an amount under any of [sections 100 to 103](#) of the [Budget Implementation Act, 2016, No. 1](#) to provide the Minister with any information or documents that are necessary to enable the Minister to assess whether the person is entitled to the amount.

SOR/2016-240, [s. 12](#).

64 A decision of the Minister with respect to an award under Part 3 of the Act shall contain the reasons for the decision.

65 The Minister shall send written notice of a decision made under Part 3 of the Act to the applicant and shall inform the applicant of their right

(a) to a review of the decision under [section 84](#) or [85](#) of the Act; and

(b) to be represented before the Board

(i) free of charge, by the Bureau of Pensions Advocates or by a service bureau of a veterans' organization, or

(ii) at the applicant's own expense, by any other representative.

PART 3.1

Caregiver Recognition Benefit

[SOR/2017-161, s. 4.]

65.1 An application under [section 65.1](#) of the Act shall be made in writing and shall include

(a) the name, date of birth and address of the person designated for the purposes of subsection 65.1(1) of the Act;

(b) a declaration by the veteran attesting to the truth of the information provided and their consent to the disclosure by the Minister of their personal information to the designated person for the purposes of Part 3.1 of the Act;

(c) a declaration by the designated person attesting that they

(i) meet the requirements set out in paragraph 65.1(1)(c) of the Act, and

(ii) consent to

(A) their designation for the purposes of subsection 65.1(1) of the Act,

(B) the disclosure by the veteran of their personal information to the Minister for the purposes of Part 3.1 of the Act, and

(C) the disclosure by the Minister of their personal information to the veteran for the purposes of Part 3.1 of the Act; and

(d) at the Minister's request, any other information or documents that are necessary to enable the Minister to assess the applicant's eligibility for the benefit.

SOR/2015-197, [s. 7](#); SOR/2017-161, [s. 5](#).

65.2 For the purposes of paragraph 65.1(1)(d) of the Act, the veteran shall

(a) either

(i) require a level of care and supervision that is consistent with admission to an institution,

(ii) require daily physical assistance of another person for most activities of daily living,

(iii) require ongoing direction and supervision during the performance of most activities of daily living, or

(iv) require daily supervision and is not considered to be safe when left alone.

(b) [Repealed, SOR/2017-161, [s. 6](#)]

SOR/2015-197, [s. 7](#); SOR/2017-161, [s. 6](#).

65.3 For the purposes of subsection 65.1(2) of the Act, the Minister shall consider only whether the veteran's state of physical, mental or cognitive health is not likely to substantially improve for at least 12 months.

SOR/2015-197, [s. 7](#).

65.4 For the purposes of subsection 65.1(3) of the Act, the Minister shall consider only whether, when the person referred to in paragraph 65.1(1)(c) of the Act is unavailable,

(a) the provision or coordination of the ongoing care would be compromised; and

(b) the health and well-being of the veteran would be placed at risk.

SOR/2015-197, [s. 7](#).

65.5 (1) A designated person and the veteran in respect of whom the person is being paid the caregiver recognition benefit shall provide, at the Minister's request, any information or documents that are necessary to enable the Minister to assess the veteran's continued eligibility for the benefit.

(2) The Minister may, for the purposes of section 65.31 of the Act, suspend the payment of the benefit so long as

(a) the designated person or the veteran, as the case may be, fails to comply with a request made under subsection (1); or

(b) the veteran fails to undergo an assessment required under [section 65.3](#) of the Act.

(3) Before suspending the payment of the benefit, the Minister shall provide the veteran and the designated person with written notification of the reasons for the suspension and the effective date of the suspension.

SOR/2015-197, [s. 7](#); SOR/2017-161, s. 7.

65.6 (1) For the purposes of section 65.31 of the Act, the Minister may cancel the caregiver recognition benefit if

(a) a suspension under subsection 65.5(2) continues for at least six months; or

(b) the veteran's eligibility for the benefit was based on a misrepresentation or the concealment of a material fact.

(2) On cancelling the benefit, the Minister shall provide the veteran and the designated person with written notification of the reasons for the cancellation, the effective date of the cancellation and the veteran's rights of review.

SOR/2015-197, [s. 7](#); SOR/2017-161, s. 7.

65.7 (1) For the purposes of paragraphs 65.1(1)(b) and (c) and subsections 65.1(2) and (3) of the Act, **care** means any activity that is necessary for the health, welfare, maintenance and protection of a person.

(2) For the purposes of paragraph 65.1(1)(c) and subsection 65.1(3) of the Act, **home** in relation to a veteran, means the dwelling, other than a health care facility, in which the veteran normally resides.

SOR/2015-197, [s. 7](#).

65.8 (1) The amount set out in item 5, column 2, of Schedule 2 to the Act shall be adjusted annually on January 1 in accordance with the percentage increase to the Consumer Price Index, rounded to the next 0.10%, for the year ending on October 31 of the previous year.

(2) The Consumer Price Index is the annual average all-items Consumer Price Index for Canada (not seasonally adjusted) published by Statistics Canada.

SOR/2017-161, [s. 8](#).

PART 4

General

Reimbursement of Travel and Living Expenses — Medical Examination

66 (1) For the purpose of subsection 74(1) of the Act, the Minister shall pay the costs of meals, transportation and accommodations in accordance with the rates set out in the Treasury Board Travel Directive, as amended from time to time, subject to the following conditions:

(a) if the means of transportation is a taxi, \$5.00 shall be deducted from the cost of each trip unless the person's mobility or cognition is severely impaired or the deduction would severely impede the person's ability to access the medical examination or assessment; and

(b) if the means of transportation is an automobile other than a taxi, the costs of transportation are payable at the rate applicable to employees of the public service of Canada who have requested the use of their own automobile plus 2 cents per kilometre and shall include the costs of parking.

(2) If a person undergoes a medical examination or an assessment in a country other than Canada, the payment of the expenses shall be made at the same rate and subject to the same conditions as the rates and conditions that are established for former members of the armed forces of that country for similar costs, or, if no such rates are established, at the rates that would be payable if the person were resident in Canada.

67 A claim for reimbursement shall be made in writing no later than one year after the day on which the expenditure is incurred and must include proof of the expenditures.

Waiver

67.1 (1) For the purposes of subsection 78.1(2) of the Act, the Minister shall notify the person in writing or orally.

(2) For the purposes of subsection 78.1(3) of the Act, the person may accept to have the requirement for an application waived in writing or orally.

SOR/2017-161, [s. 9](#).

Review

68 (1) An application referred to in [section 83](#) of the Act shall be in writing and, unless circumstances beyond the applicant's control necessitate a longer period, shall be made not later than 60 days after

(a) with respect to a decision referred to in section 75.2 of the Act, the day after the day on which the member is released from the Canadian Forces; or

(b) with respect to any other decision, the day on which the applicant receives notice of the decision.

(2) The review shall be based only on written submissions.

(3) The Minister may confirm, amend or rescind the decision under review.

(4) The Minister shall notify the applicant in writing of the decision setting out the reasons for the decision.

SOR/2015-197, [s. 8](#).

69 (1) An application for a review of a decision made under subsection 68(3) must be made in writing no later than 60 days after receiving notice of the decision unless circumstances beyond the control of the applicant necessitate a longer period.

(2) The application must include the grounds for the review.

(3) The review shall be based only on written submissions.

(4) The Minister may confirm the decision under review or may amend or rescind it on the basis of new evidence or on the Minister's determination that there was an error with respect to a finding of fact or the interpretation of a law.

(5) The Minister shall notify the applicant in writing of the decision setting out the reasons for the decision.

(6) A decision made under this section is not reviewable on application.

SOR/2009-225, [s. 14](#).

70 (1) An application for a review of a decision made under Part 3 of the Act must be made in writing.

(2) The application must include the grounds for the review.

(3) The review shall be based only on written submissions.

(4) The Minister shall give the applicant written notification of the decision and the reasons for it.

SOR/2013-157, [s. 4](#).

71 (1) If the Minister reviews a decision on the Minister's own motion under [section 83](#) of the Act, the Minister may confirm the decision, or may amend or rescind the decision if there is an error with respect to the finding of any fact or the interpretation of any law.

(2) Before amending or rescinding a decision on the Minister's own motion under [section 83](#) or [84](#) of the Act, the Minister shall provide the person affected by the decision with an opportunity to respond in writing.

(3) The Minister shall give the person affected by the decision written notification of any amendment or rescission made on the Minister's own motion under [section 83](#) or [84](#) of the Act and the reasons for the amendment or rescission.

SOR/2013-157, [s. 5](#).

72 (1) ~~[Repealed, SOR/2013-157, [s. 6](#)]~~

(2) The Minister shall inform the applicant of their right to have the Minister's decision under [section 84](#) of the Act reviewed by the Board under [section 85](#) of the Act, and of their right to be represented before the Board

(a) free of charge, by the Bureau of Pensions Advocates or by a service bureau of a veterans' organization; or

(b) at the applicant's own expense, by any other representative.

SOR/2009-225, s. 15(F); SOR/2013-157, [s. 6](#).

Related Amendments

Veterans Health Care Regulations

73 [Amendments]

74 [Amendments]

75 [Amendment]

76 [Amendments]

77 [Amendments]

78 [Amendment]

79 [Amendment]

80 [Amendments]

81 [Amendment]

82 [Amendment]

83 [Amendment]

Veterans Burial Regulations, 2005

84 [Amendment]

85 [Amendments]

86 [Amendment]

87 [Amendment]

88 [Amendments]

89 [Amendment]

Coming into Force

***90** These Regulations come into force on the day on which section 94 of the *Canadian Forces Members and*

***Veterans Re-establishment and Compensation Act* comes into force.**

*[Note: Regulations in force April 1, 2006, see SI/2006-54.]
