

SUMMARY OF AGE-BASED LEGAL MILESTONES FOR YOUTH IN ONTARIO

AMAA - Age of Majority & Accountability Act	El Act - Election Act	MHA - Mental Health Act
BCA - Business Corporations Act	FCA - Film Classification Act	OCA - (Ontario) Corporations Act
CAS - Children's Aid Society	FLA - Family Law Act	OLGCA - Ontario Lottery and Gaming Corporation Act
CCC - Criminal Code of Canada	HCCA - Health Care Consent Act	OWA - Ontario Works Act
CEA - Canada Elections Act	HRC - Human Rights Code (Ontario)	PRA - Parental Responsibility Act
CFSA - Child & Family Services Act	HTA - Highway Traffic Act	POA - Provincial Offences Act
CLRA - Children's Law Reform Act	ITA - Income Tax Act	Rule - Rules of Civil Procedure
CNA - Change of Name Act	LLA - Liquor License Act	SLRA - Succession Law Reform Act
CPO - Canadian Passport Order	MA - Marriage Act	SDA - Substitute Decisions Act
Common Law – past case decisions	MFIPPA - Municipal Freedom of Information & Protection of Privacy Act	SFOA - Smoke-Free Ontario Act
Ed Act - Education Act		YCJA - Youth Criminal Justice Act

6 & OVER

School attendance required [Ed Act, s. 21(1)]

Can be subject of a secure treatment order [CFSA, s. 117]

7 & OVER

Written consent required to be adopted [CFSA, s. 137(6)]

Can be prosecuted for provincial offences such as truancy [POA, s. 93(a)]

UNDER 12

Can be apprehended by CAS for serious criminal behaviour [CFSA, s. 37(2)(j) & (k)]

Can be charged with a criminal offence [YCJA s. 2(1)]

Can be the subject of a secure treatment order *only* with Minister's consent [CFSA, s. 117(2)]

Can consent to counselling by service provider [CFSA, s. 28]

Consent required to change name [CNA, s. 5(2)(c)]

12 & OVER

Can apply to vary or terminate CAS supervision order or wardship [CFSA, s.64]

SEXUAL ACTIVITY

12 & 13: Can consent to sexual activity only with a person who is less than 2 years older, except with a person in position of authority or trust

continued...

Consent required for voluntary care agreements with CAS and voluntary child protection proceedings [CFSA, s. 29(2)(b); s. 37(2)(l)]

SEXUAL ACTIVITY

...continued

14 & 15: Can consent to sexual activity with a person who is less than 5 years older, except with a person in position of authority or trust

16 & 17: Can consent to sexual activity with a person who is older by any number of years, except with a person in position of authority or trust

[CCC, s. 150.1-153]

14 & OVER

Adult sentence can be imposed for more serious criminal offences [YCJA, s. 62]

UNDER 16

Not permitted in a public place without parents (or other adult arranged with

parents) between midnight and 6 a.m. [CFSA, s. 79(5)]

Can be apprehended and taken to place of safety; and can be the subject of child protection proceedings [CFSA, s. 37(1) & s. 40(2)]

Parents' obligation to provide financial support absolute -not dependant on child's residence or why child left home [FLA, s. 31]

Deemed competent to appoint and instruct counsel in proceedings for admission into a psychiatric facility [MHA, s. 43]

Legal custodian may exercise child's rights to privacy and access to information [MFIPPA, s. 54(c)]

16 & OVER

Considered an adult under the POA [s. 93(b)]

Can change name with parents' consent or court order [CNA, s. 4]

Can get married with parents' consent, court order or Minister's approval [MA, s. 5(2), 6, 10]

Can voluntarily withdraw from parental control but may lose right to parents' financial support [CFSA, s. 43(2); CLRA, s. 65; FLA, s. 31]

CAS cannot apprehend unless subject to court order [CFSA, s. 37]

Eligible for social assistance in special circumstances (eg. kicked out) [OWA Reg 491/01, s. 10]

Citizens of Canada can apply for a Canadian passport on their own [CPO SI/81-86]

16 & OVER *(continued)*

Protected from housing discrimination based on age [HRC, s. 4]

Eligible to apply for novice driver's licence [HTA Reg 340/94, s. 12(6)]

Right to privacy of and access to personal information on own behalf [MFIPPA, s. 54(c)]

Entitled to participate in decisions about special education needs [Ed Act Reg 181/98, s. 5(1)-5(5), s. 6(2)]

If withdrawn from parental control, may have right to appeals under the Ed Act [Common law; Ed Act, s. 1(2)]

Can apply for secure treatment order [CFSA, s. 114]

Can provide an advance care directive to refuse emergency medical treatment [HCCA, s. 26]

Can be or appoint a substitute decision maker in health-related treatment and personal care matters [HCCA, s. 33; SDA, s. 44]

Substitute decision maker must give effect to patient's treatment wishes made after patient turned 16 years [HCCA, s. 21]

17 & OVER

If 17th birthday is between first day of school and December 31st, can quit school at the end of that school year [Ed Act, s. 21(1)(b)]

UNDER 18

Can be the subject of custody or access orders [CLRA, s. 36-37]

Required to wear bicycle helmet [HTA, s. 104(2.1); HTA Reg 411/95, s. 1]

Students can be paid reduced minimum wage [ESA Reg 285/01, s. 5(1.3)(1)]

"Child" under the United Nations *Convention on the Rights of the Child* [Article 1]

Can be sued on contracts for necessities (i.e. housing) and for goods and services if minor derives a benefit [Common Law, AMAA, s. 1]

Parents may be sued for damages caused by their minor children. Liability based on failing to supervise and control, and depends on maturity of child [Common Law; PRA, s.1 & 2; AMAA, s. 1]

Litigation guardian required to sue or be sued unless court order

allows otherwise [Rule 7.04 & AMAA, s. 1]

Litigation guardian may be ordered in civil proceedings where minor is not party but interests require separate representation [Rule 7.04(2)]

18 & OVER

If 18th birthday is between January 1st and end of August, can quit school on 18th birthday [Ed Act, s. 21(1)(a)]

Age of majority – no longer a "minor" [AMAA, s. 1]

Protected from discrimination based on age [HRC, s. 10(1)]

Adult under the CCC [YCJA, s. 2(1)]

Adult under *Ed Act* [s. 1(2)]

Entitled to receive full minimum wage [ESA Reg 285/01, s. 5(1)]

Can not be the subject of child protection orders - existing orders terminate. Except where CAS approves continued care & maintenance of former Crown ward [CFSA, s. 71]

Can no longer be the subject of custody or access orders [CLRA, s. 18(2)]

Obligation of parents to provide financial support ends unless in school full-time [FLA, s. 31(1)]

Eligible for social assistance if in need [OWA]

Can:

- serve on a board of directors [BCA, s.118(1); OCA, s. 286(1)]
- Vote in elections [EI Act, s. 15(1)(a), CEA, s. 3]
- appoint or be a substitute decision maker with respect to property matters [SDA, s. 4 & 5]
- sue or be sued in own name [Rule 7.04, AMAA, s.1]
- enter into contracts [SDA, s.2(1), Common Law]
- make a will [SLRA, s.8]
- change name [CNA, s. 1; 4(3)]
- get married [MA, s.5(1)]
- buy a lottery ticket [OLGCA, s.13(1)]
- see a restricted movie [FCA, s. 3(10), Reg 452/05]

19 & OVER

Can be on gaming premises and partake in gaming activities (i.e. casinos) [OLGCA, s. 13(3) & 13(4)]

Can buy alcohol and tobacco [LLA, s. 30(1) and SFOA, s.3]

Eligible for GST/HST credit [ITA]

NON AGE-BASED MILESTONES

Right to see school records [Ed Act, s. 266(3)]

Right to attend school depends on residence of parent or tenancy of student in school board area [Ed Act, s. 36]

Can consume alcohol at home or other private place if supplied by parent at that location [LLA, s. 30(13)]

Consent to health-related treatment depends on mental capacity not age [HCCA, s. 10 & 11]

Federal HRC and Charter protect all ages from age discrimination [Canadian Human Rights Act, s. 3(1), Charter, s. 15(1)]

Single parents of any age are eligible for social assistance, if needed [OWA, Reg 491/01, s. 10(9)]

Parents, married or common-law persons of any age are eligible to claim GST/HST refund credit [ITA]

Married persons or those in the military can make a will at any age [SLRA, s. 8(1)]