



Legal Aid Facts

Financial eligibility

Financial eligibility for legal representation

To be eligible for legal representation, the case must fall within LSS’s coverage rules and the applicant must meet LSS’s financial eligibility rules. Verification of income, personal property, assets, and expenses is required. The onus is on the applicant to satisfy LSS eligibility requirements.

LSS’s financial eligibility guidelines are based on Human Resources Development Canada’s “Market Basket Measure” of goods and services adjusted by LSS for inflation.

Household Size	Net Household Monthly Income	Personal Property Exemption
1	\$1,520	\$2,000
2	\$2,120	\$4,000
3	\$2,730	\$4,500
4	\$3,340	\$5,000
5	\$3,940	\$5,500
6	\$4,550	\$6,000
7 or more	\$5,160	\$6,000

Household income: Usually includes all money or benefits earned or received by adult family members who are living together. A limited number of income sources are not included such as the BC family bonus and child tax benefits. A limited number of deductions are also made including daycare expenses, required medication, and child or spousal maintenance payments.

Personal property: Includes but is not limited to: accounts receivable; antiques; bank accounts; cash; collections (coins, stamps); household furnishings; insurance policies; jewelry; livestock; other personal property; pending settlements; recreational equipment; recreational boat; stocks/bonds/investments; and works of art.

Assets: Applicants whose income is below the guidelines may own some assets and still be eligible for legal representation. However, if their share of equity in assets is above the asset guidelines, they are ineligible for legal representation regardless of their net monthly income.

- Generally the family home is *not* exempt if the applicant’s available equity in it exceeds \$100,000. Exceptions include when a lending institution denies the applicant a loan against the property and, in family cases, when the applicant and opposing party lived in the family home.
- Applicants are ineligible if their total share of disposable real property (other than the family home) exceeds \$10,000.
- Applicants are ineligible if their total share of equity in vehicles exceeds \$15,000. Exceptions include a moderately priced vehicle for employment, or a vehicle needed for personal use in a remote area, or a vehicle modified to accommodate a disability.



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- Applicants are ineligible if they have any available equity in business assets unless the assets are required to generate the person’s income, the applicant cannot borrow against them, or the assets cannot be sold within a reasonable time for fair market value.
- Applicants are ineligible if their total equity in personal property or savings exceeds the limits based on household size. RESPs and children’s savings are exempt.
- Residential school settlement payments (except for monies paid as an income replacement) are exempt from LSS’s asset test for legal representation services.

Reassessments: Clients may be reassessed to determine if they are still financially eligible for legal representation. Reassessments may occur if a client’s financial circumstances change, the client changes lawyers, or the client receives money or assets as a result of the case. If the client is no longer financially eligible, his or her referral is terminated and the client must make private arrangements with his or her lawyer.

Financial eligibility for legal advice

LSS uses a separate financial eligibility test for Family LawLINE advice services and most family duty counsel and family advice lawyer services.

Financial Eligibility Guidelines for Legal Advice	
Household size	Net monthly income
1 - 4	\$3,340
5	\$3,950
6	\$4,580
7 or more	\$5,180

There is no asset test for advice services.

Services with no financial eligibility requirements

There are no financial eligibility requirements for:

- Legal information
- Criminal duty counsel
- Immigration duty counsel
- Criminal telephone advice services