

## **Did You Know: Manitoba Provides Compensation to Victims of Crime?**

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As (Manitoba) citizens, it is important for us to be aware of the different services our government provides so that we are in a better position to help ourselves and others.

One of the services in particular that Manitobans should know is a compensation program for victims of crime called Compensation for Victims of Crime Program (“the Program”). The Program is governed by *The Victims’ Bill of Rights* (“The Bill”).

There are four general categories of persons whom the Program covers: (1) Victims of Crime; (2) Relatives and Dependants of Victims of Homicide in Manitoba; (3) Witnesses; and (4) Caregivers. This blog entry will only cover the first two.

### **1) Victims of Crime**

Section 46(1) of *The Bill* defines a victim as follows:<sup>1</sup>

*46(1) For the purpose of this Part, a person is a victim if he or she is injured or dies as a result of an incident that occurs in Manitoba that*

*(a) is caused by an act or omission of another person that is an offence under the Criminal Code (Canada) specified in the regulations; or*

*(b) occurs while the person does or attempts to do any of the following:*

*(i) lawfully arrest a person or preserve the peace,*

*(ii) assist a peace officer in the execution of his or her duty, or*

*(iii) lawfully prevent the commission of an offence or suspected offence under the Criminal Code (Canada).*

Section 47 provides for the compensation to the injured victims:

*47 A victim who is injured as a result of an incident described in subsection 46(1) is entitled, in accordance with the regulations, to the following:<sup>2</sup>*

*(a) reimbursement for expenses prescribed by regulation that were incurred as a result of the injury;*

*(b) compensation for related counselling services;*

*(c) if the victim is disabled by the injury, compensation for loss of wages;*

*(d) if the victim is permanently impaired by the injury, compensation for the impairment.*

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<sup>1</sup> *The Victims’ Bill of Rights*, CCSM, c V55, s 46(1) [*The Bill*].

<sup>2</sup> *Ibid* at s 47.

## 2) Relatives and Dependants of Victims of Homicide in Manitoba

Section 46(1) above defined who qualifies as a victim under *The Bill*. Section 48(1) and 48(2) provide for the compensation of relatives and dependants of the victim:

### Compensation to family members of deceased victims

48(1) If a victim dies as a result of an incident described in subsection 46(1), the spouse or common-law partner of the victim and a parent, child or sibling of the victim are entitled, in accordance with the regulations, to

- (a) reimbursement for expenses prescribed by regulation that were incurred as a result of the death; and
- (b) compensation for related counselling services.<sup>3</sup>

### Additional compensation to dependants

48(2) In addition to the compensation provided under subsection (1),

- (a) if the deceased victim had a spouse or common-law partner who was, in whole or in part, dependent on the income of the victim at the time of the victim's death, he or she is entitled, in accordance with the regulations, to compensation for loss of the victim's wages; or
- (b) if a deceased victim did not have a spouse or common-law partner, any other dependant of the victim is entitled, in accordance with the regulations, to compensation for loss of the victim's wages in the form of a monthly payment.<sup>4</sup>

## **Important Facts About the Program**

- There is a time limit for applying to the Program (as prescribed by section 51(1) to 51(3) of *The Bill*). Here are the general categories:
  - o An application must be filed within one year of the happening of the crime which lead to the victim's injury or death;<sup>5</sup>
  - o An application must be filed within one year after the victim "becomes aware of or knows or ought to know the nature of the injuries and recognizes the effects of the injuries"<sup>6</sup>;
    - What does this mean? Some victims suffer certain crimes in which they are unable to appreciate the injuries or effects of the injuries until a later time. Once they understand the nature and effects of the injuries, they will still be able to file a claim even if a year has passed since the crime occurred. This particular provision is quite complex, and so it is best to

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<sup>3</sup> *Ibid* at s 48(1).

<sup>4</sup> *Ibid* at s 48(2).

<sup>5</sup> *Ibid* at s 51(1).

<sup>6</sup> *Ibid* at s 51(1).

Speak to a lawyer or a properly qualified representative from Manitoba Victim Services.

- The time may be extended with the consent of the Director of Victim Services<sup>7</sup>;
- If a person under the age of 18 years is eligible for compensation, the deadline will be a year after the person turns 18.<sup>8</sup>
- The compensation is not limited to money. The program can provide services and support to victims or witnesses who have been injured physically or emotionally.<sup>9</sup> These include:
  - Cost of medical expenses
  - Counselling services
  - Lost wages
  - Rehabilitation
  - Funeral expenses
- Damaged or stolen property or belongings are not covered.<sup>10</sup>
- It is a good idea to report the crime as soon as possible to avoid complications in the application. A late report may result in a denial of a claim.<sup>11</sup>

If you or someone you know has been a victim of crime, please visit:

<https://www.gov.mb.ca/justice/crown/victims/compensation.html>

If you are not sure whether you qualify, please consult with the appropriate persons through the given link. The provision of this service is determined on a case by case basis, and the only people who can tell you for certain whether you qualify or not is Manitoba Victim Services (who may be contacted through the given link).

**NOTE:** The information in this article is for informational purposes only. If you are planning to apply for this Program, please refer to the site and communicate with the appropriate persons for your matter.

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<sup>7</sup> *Ibid* at 51(2).

<sup>8</sup> *Ibid* at 51(3).

<sup>9</sup> Province of Manitoba, "Compensation for Victims of Crime", <https://www.gov.mb.ca/justice/crown/victims/pubs/compensation.pdf> [https://perma.cc/8XPB-4ZEX].

<sup>10</sup> *Ibid*.

<sup>11</sup> *Ibid*.