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RE: The legal age for a child/person to be home alone

- Is it 12 years of age?
- Does it vary by city, region, province?
- Is there a specified age when accompanied by another?
- No specified age at all?

Government of Canada:

- There are no federal laws in Canada that speak to a prescribed “legal age” for a child to be left at home alone, unsupervised.
- Citizenship and Immigration Canada simply states that “[i]n Canada, most families do not leave children under the age of 12 home alone.”¹

Canada Safety Council:

- Canada Safety Council (the “Council”), a not-for-profit non-governmental organization, advocates that “children should be supervised at all times by a responsible adult”, but concede that many factors, including the increasing number of working parents as well as the increasing number of single parent households, have contributed to the reality of a rising number of school-age children being home alone.²
 - The Council has designed a “Home Alone Program” to provide children 10 years of age and older with the necessary skills and knowledge to be safe and responsible when home alone for short periods of time.
 - The Council’s position that “children should be supervised at all times by a responsible adult” is cited and referenced by many sources based in various provinces across Canada.

In British Columbia:

- According to the BC Legal Services Society’s 2010 publication, *Parents’ Rights, Kids’ Rights*, there is no exact age prescribed by law speaking to how old a child must be to stay home alone.³
- According to BC’s *Child, Family and Community Service Act*, a “child means a person under 19 years of age and include a youth”:⁴

¹ Minister of Public Works and Government Services Canada, *Welcome to Canada: What You Should Know* (2007), online: Citizenship and Immigration Canada < <http://www.cic.gc.ca/english/resources/publications/welcome/>>.

² “Home Alone Program”, online: Canada Safety Council: <<https://canadasafetycouncil.org/node/832>>.

³ *Parents’ Rights, Kids’ Rights*, 7th ed (Legal Services Society, British Columbia, 2010) at 9, online: Legal Services Society <<http://resources.lss.bc.ca/pdfs/pubs/parentsRightsKidsRights.pdf>>.

⁴ *Child, Family and Community Service Act*, RSBC 1996, c 46, s 1(1).

- While the purpose of the “Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations and in accordance with the following principles [including] children are entitled to be protected from abuse, neglect and harm or threat of harm”,⁵ the Act does not state at what age children are allowed to be home alone or whether being home alone equates to abuse, neglect and harm or threat of harm.

In Ontario:

- Likewise, the *Child and Family Services Act* in Ontario does not prescribe an age-allowable for a child to be left alone at home:
 - a child, according to this Act, “means a person under the age of eighteen years”:⁶
 - 79(3) No person having charge of a child less than sixteen years of age shall leave the child without making provision for his or her supervision and care that is reasonable in the circumstances.
 - 79(4) Where a person is charged with contravening subsection (3) and the child is less than ten years of age, the onus of establishing that the person made provision for the child’s supervision and care that was reasonable in the circumstances rests with the person.
 - *Note that neither “supervision” nor “care” are defined under this Act.

In Manitoba:

- According to *Living in Manitoba: A resource guide for immigrant women*, “it is against the law to leave any children under the age of 12 at home alone.”⁷
 - However, in the course of this research, no Manitoban laws were located that explicitly prohibited leaving children 12 and under home alone.
 - There is some provincial legislation, including *The Community Child Care Standards Act*⁸, that define children as persons age 12 and under.
- According to the Manitoba Human Rights Commission in their 2007 publication, “The Rights of Youth: Neglect and Abuse”,
 - it is generally considered unsafe to leave children under the age of 12 home alone without reasonable provisions being made for their safety and appropriate supervision,
 - after the age of 12, you cannot be left on your own for extended periods of time before you are ready,
 - whether you are over 12 and alone, or under 12 left with a caregiver, your parent or guardian must ensure that your basic health and safety needs are provided.⁹

⁵ *Child, Family and Community Service Act, ibid*, s 2(2).

⁶ *Child and Family Services Act*, RSO 1990, c 11, s 3(1).

⁷ Manitoba Family Services and Labour, *Living in Manitoba: A resource guide for immigrant women*, 2d ed at 28, online: Government of Manitoba <http://www.gov.mb.ca/msw/publications/immigrant_guide.pdf>.

⁸ *The Community Child Care Standards Act*, CCSM c C158, s 1.

⁹ *The Rights of Youth: Neglect and Abuse* (April 2007) at 3, online: Manitoba Human Rights Commission <http://www.manitobahumanrights.ca/publications/rights_of_youth/neglect_abuse.pdf>.

In Alberta:

- According to the provincial government website of Alberta, there “is no law in Alberta that specifies at what age children can be left alone. When considering leaving a child unsupervised, age and maturity are important factors in assessing whether care and supervision is adequate. Many Albertans expect families to arrange care or supervision for children left alone under the age of 12.”¹⁰
 - It is, however, noteworthy that the Alberta Safety Council requires “[a]ny children taking the [Babysitter Safety Course] must be a minimum of twelve years old upon completion of [the Course].”¹¹

¹⁰ *Living in Alberta: Parents*, online: Government of Alberta
<<http://www.programs.alberta.ca/Living/9281.aspx?N=770+9252&id=1765>>.

¹¹ Alberta Safety Council, “Babysitters Safety Course”, online: Alberta Safety Council
<<http://www.safetycouncil.ab.ca/images/stories/pdf/babysitter.pdf>>.