

# Employment And Assistance Regulation

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## PART 1 – INTERPRETATION

1

### Definitions

1 (1) In this regulation:

“**Act**” means the *Employment and Assistance Act*;

“**application for a child in the home of a relative income assistance form**” means the application for a child in the home of a relative income assistance form prescribed by the minister; (B.C. Reg. 400/2007)

“**application for income assistance**” Repealed. (B.C. Reg. 304/2005)

“**application for income assistance (part 1) form**” means the application for income assistance (part 1) form prescribed by the minister; (B.C. Reg. 304/2005)

“**application for income assistance (part 2) form**” means the application for income assistance (part 2) form prescribed by the minister; (B.C. Reg. 304/2005)

“**asset**” means

- (a) equity in any real or personal property that can be converted to cash,
- (b) a beneficial interest in real or personal property held in trust, or
- (c) cash assets;

“**assistance**” means income assistance, hardship assistance or a supplement;

“**basic child tax benefit**” means the Canada child tax benefit minus the national child benefit supplement;

“**BC basic family bonus**” means an amount calculated for the purposes of section 10 (3) (a) of the *Income Tax Act*;

“**BC earned income benefit**” means an amount calculated for the purposes of section 10 (3) (b) of the *Income Tax Act*;

“**Canada child tax benefit**” means an amount deemed to be an overpayment on account of a person’s liability for the taxation year determined under section 122.61 of the *Income Tax Act* (Canada) and includes the child disability benefit; (B.C. Reg 461/2003)

“**cash assets**” in relation to a person, means

- (a) money in the possession of the person or the person’s dependant,
- (b) money standing to the credit of the person or the dependant with
  - (i) a savings institution, or
  - (ii) a third partythat must pay it to the person or the dependant on demand,
- (c) the amount of a money order payable to the person or the dependant, or
- (d) the amount of an immediately negotiable cheque payable to the person or the dependant;

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**“child disability benefit”** means a supplement to the Canada Child Tax Benefit received by families with a child who meets the criteria for the Disability Tax Credit provided under the *Income Tax Act* (Canada); (B.C. Reg. 256/2004)

**“child benefits cheque”** means a cheque for one, or the sum of two or more, of the following:

- (a) the BC basic family bonus;
- (b) the BC earned income benefit;
- (c) the basic child tax benefit;
- (d) the national child benefit supplement;

**“child in the home of a relative”** means a child referred to in section 6 (2) [*child in the home of a relative*] to or for whom income assistance under section 11 of Schedule A is provided;

**“Community Living BC”** means Community Living British Columbia established under the *Community Living Authority Act*; (B.C. Reg. 192/2006)

**“disability assistance”** has the same meaning as in the *Employment and Assistance for Persons with Disabilities Act*;

**“earned income”** means

- (a) any money or value received in exchange for work or the provision of a service,
- (b) tax refunds,
- (c) pension plan contributions that are refunded because of insufficient contributions to create a pension,
- (d) money or value received from providing room and board at a person’s place of residence, or
- (e) money or value received from renting rooms that are common to and part of a person’s place of residence;

**“employment-related program”** means any of the following categories of programs that are established or funded under section 7 of the Act:

- (a) employment search;
- (b) training;
- (c) job placement;
- (d) self-employment;
- (e) volunteer;

**“enquiry form”** Repealed. (B.C. Reg. 304/2005)

**“family bonus”** means an amount consisting of the sum of the BC basic family bonus and the national child benefit supplement;

**“full-time student”** has the same meaning as in the Canada Student Financial Assistance Regulations (Canada);

**“funded program of studies”** means a program of studies for which student

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financial assistance may be provided to a student enrolled in it;

“**minister**”, in relation to a power, duty or function that the minister has delegated under section 34 of the Act to another person, includes that other person;

“**national child benefit supplement**” means the amount that is 1/12 the value of “C” in the formula  $1/12 [(A-B) + C]$  calculated under section 122.61 of the *Income Tax Act* (Canada);

“**nurse practitioner**” has the same meaning as in the Nurses (Registered) and Nurse Practitioners Regulation; (B.C. Reg. 317/2008)

“**part-time student**” has the same meaning as in the Canada Student Financial Assistance Regulations (Canada);

“**private hospital**” means a private hospital licensed under the *Hospital Act*;

“**registered education savings plan**” means a registered education savings plan as defined by section 146.1 of the *Income Tax Act* (Canada); (B.C. Reg. 305/2005)

“**sole**”, in relation to an applicant or a recipient, means the applicant’s or recipient’s family unit includes no other applicant, recipient or adult dependant;

“**special care facility**” means a facility that is a licensed community care facility under the *Community Care and Assisted Living Act* or a specialized adult residential care setting approved by the minister under subsection (3); (B.C. Reg. 86/2005)

“**student financial assistance**” means funding provided to students under the *Canada Student Financial Assistance Act* (Canada);

“**transient**” means a person who

- (a) has no dependent children,
- (b) has no fixed address, and
- (c) in the minister’s opinion, is not taking up permanent residence in the community in which the person submits an application for income assistance (part 2) form; (B.C. Reg. 304/2005)

“**unearned income**” means any income that is not earned income, and includes, without limitation, money or value received from any of the following:

- (a) money, annuities, stocks, bonds, shares, and interest bearing accounts or properties;
- (b) cooperative associations as defined in the *Real Estate Development Marketing Act*, (B.C. Reg. 518/2004)
- (c) war disability pensions, military pensions and war veterans’ allowances;
- (d) insurance benefits, except insurance paid as compensation for a destroyed asset;
- (e) superannuation benefits;
- (f) any type or class of Canada Pension Plan benefits;
- (g) employment insurance;
- (h) union or lodge benefits;

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- (i) financial assistance provided under the *Employment and Assistance for Persons with Disabilities Act* or provided by another province or jurisdiction;
- (j) workers' compensation benefits and disability payments or pensions;
- (k) widows' or orphans' allowances;
- (l) a trust or inheritance;
- (m) rental of tools, vehicles or equipment;
- (n) rental of land, self-contained suites or other property except the place of residence of an applicant or recipient;
- (o) interest earned on a mortgage or agreement for sale;
- (p) maintenance under a court order, a separation agreement or other agreement;
- (q) education or training allowances, grants, loans, bursaries or scholarships;
- (r) a lottery or a game of chance;
- (s) awards of compensation under the *Criminal Injury Compensation Act* or awards of benefits under the *Crime Victim Assistance Act*, other than an award paid for repair or replacement of damaged or destroyed property; (B.C. Reg. 344/2004)
- (t) any other financial awards or compensation;
- (u) Federal Old Age Security and Guaranteed Income Supplement payments;
- (v) financial contributions made by a sponsor pursuant to an undertaking given for the purposes of the *Immigration and Refugee Protection Act* (Canada) or the *Immigration Act* (Canada);

**“unfunded program of studies”** means a program of studies for which a student enrolled in it is not eligible for student financial assistance.

- (2) For the purposes of the Act and this regulation, if a child resides with each parent for 50% of each month under
  - (a) an order of a court in British Columbia,
  - (b) an order that is recognized by and deemed to be an order of a court in British Columbia, or
  - (c) an agreement filed in a court in British Columbia,  
the child is a dependent child of the parent who is designated in writing by both parents.
- (3) For the purposes of the definition of “special care facility”, the minister may approve as a specialized adult residential care setting a place that provides accommodation and care for adults and for which a licence under the *Community Care and Assisted Living Act* is not required. (B.C. Reg. 86/2005)

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## Persons who have persistent multiple barriers to employment

- 2 (1) To qualify as a person who has persistent multiple barriers to employment, a person must meet the requirements set out in
- (a) subsection (2), and
  - (b) subsection (3) or (4).
- (2) The person has been a recipient for at least 12 of the immediately preceding 15 calendar months of one or more of the following:
- (a) income assistance or hardship assistance under the Act,
  - (b) income assistance, hardship assistance or a youth allowance under a former Act,
  - (c) a disability allowance under the *Disability Benefits Program Act*, or
  - (d) disability assistance or hardship assistance under the *Employment and Assistance for Persons with Disabilities Act*.
- (3) The following requirements apply
- (a) the minister
    - (i) has determined that the person scores at least 15 on the employability screen set out in Schedule E, and
    - (ii) based on the result of that employability screen, considers that the person has barriers that seriously impede the person's ability to search for, accept or continue in employment,
  - (b) the person has a medical condition, other than an addiction, that is confirmed by a medical practitioner and that,
    - (i) in the opinion of the medical practitioner,
      - (A) has continued for at least one year and is likely to continue for at least 2 more years, or
      - (B) has occurred frequently in the past year and is likely to continue for at least 2 more years, and
    - (ii) in the opinion of the minister, is a barrier that seriously impedes the person's ability to search for, accept or continue in employment, and
  - (c) the person has taken all steps that the minister considers reasonable for the person to overcome the barriers referred to in paragraph (a).
- (4) The person has a medical condition, other than an addiction, that is confirmed by a medical practitioner and that,
- (a) in the opinion of the medical practitioner,
    - (i) has continued for at least 1 year and is likely to continue for at least 2 more years, or
    - (ii) has occurred frequently in the past year and is likely to continue for at least 2 more years, and

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- (b) in the opinion of the minister, is a barrier that precludes the person from searching for, accepting or continuing in employment. (B.C. Reg. 263/2002)

## Part 2 – Eligibility for Income Assistance

### Division 1 – Applications and Applicant Requirements

3

#### Pre-application requirements

- 3 Repealed. (B.C. Reg.304/2005)

4

#### Process for assessment of eligibility for income assistance

- 4 The eligibility of a family unit for income assistance must be assessed on the basis of the 2-stage process set out in sections 4.1 and 4.2. (B.C. Reg. 304/2005)

#### Application for income assistance – stage 1

- 4.1 (1) The first stage of the process for assessing the eligibility of a family unit for income assistance is fulfilling the requirements of subsection (2). (B.C. Reg. 304/2005)
- (2) The applicants for income assistance in a family unit
- (a) must complete and submit to the minister an application for income assistance (part 1) form and must include as part of the application
    - (i) the social insurance number of each applicant in the family unit except a person who is not described in section 7 (2), and
    - (ii) the information, authorizations, declarations and verifications specified by the minister, as required in the application for income assistance (part 1) form,
  - (b) **subject to subsection (4), must**
    - (i) **complete searches for employment as directed by the minister for the 3 weeks immediately following the date of the application under paragraph (a), or**
    - (ii) **demonstrate that each of the applicants has completed a search for employment satisfactory to the minister within the 30 day period prior to the date of the application under paragraph (a), and in either case provide information about and verification of the searches for employment, in the form specified by the minister. (B.C. Reg. 98/2009)**
- (3) Subsection (2) does not affect the minister's powers under section 10 of the Act. (B.C. Reg. 304/2005)
- (4) Subsection (2) (b) does not apply to a person who

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- (a) is prohibited by law from working in Canada,
  - (b) has reached 65 years of age,
  - (c) is applying for income assistance that the minister may provide under section 6 (2),
  - (d) has a physical or mental condition that, in the minister's opinion, precludes the person from completing a search for employment as directed by the minister,
  - (e) is fleeing an abusive spouse or relative, or
  - (f) Repealed. (B.C. Reg. 6/2008)
- (5) Subsection (2) (b) does not apply if any person in the family unit to which an application relates has an immediate need for food or shelter or needs urgent medical attention. (B.C. Reg. 6/2008)
- (6) Subsection (2) (b) does not apply to a sole applicant who
- (a) has a dependent child, or
  - (b) provides care to a child in the home of a relative, a foster child or a child in their care under an agreement referred to in sections 8 or 93 (1) (g) (ii) of the *Child, Family and Community Service Act* if the child has not reached 3 years of age. (B.C. Reg. 99/2009)

### Application for income assistance – stage 2

- 4.2 (1) In this section, “**applicant orientation program**” means a program established by the minister to ensure that applicants are provided with information about their rights and obligations under the Act, including but not limited to information about all or any combination of
- (a) rules about eligibility for income assistance or supplements,
  - (b) the process of applying for disability assistance,
  - (c) required employment search activities, community based job search resources and ministry and community programs,
  - (d) mutual obligations of the minister, applicants and recipients,
  - (e) employment plans,
  - (f) the minister's authority to collect and verify information, and
  - (g) the availability of alternate resources, such as, federal programs and other Provincial programs. (B.C. Reg. 304/2005)
- (2) The second stage of the process for assessing the eligibility of a family unit for income assistance is fulfilling the requirements of subsection (3). (B.C. Reg. 304/2005)
- (3) On completion of the first stage process provided for in section 4.1, the applicants for income assistance in the family unit must complete and submit to the minister an application for income assistance (part 2) form and must include as part of the application

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- (a) proof of the identity of the persons in the family unit and of their eligibility under the Act,
  - (b) subject to subsection (4), proof that the applicants have each completed an applicant orientation program within the 60 day period immediately preceding the date of the submission of the application for income assistance (part 2) form, and
  - (c) the information, authorizations, declarations and verifications specified by the minister as required in the application for income assistance (part 2) form. (B.C. Reg. 304/2005)
- (4) Subsection (3) does not affect the minister's powers under section 10 of the Act. (B.C. Reg. 304/2005)
- (5) Subsection (3) (b) does not apply to a person who
- (a) applies for income assistance that may be provided under section 6 (2) by the minister,
  - (b) has reached 65 years of age,
  - (c) is not described in section 7 (2), or
  - (d) has a physical or mental condition that, in the minister's opinion, precludes the person from completing an applicant orientation program. (B.C. Reg. 304/2005)

4.3 Repealed. (B.C. Reg. 313/2007)

4.4

### **Application for income assistance for a child in the home of a relative**

- 4.4 (1) A person who applies on or after December 1, 2007 for income assistance under section 6 must
- (a) complete and submit to the minister the application for a child in the home of a relative income assistance form, and
  - (b) include, as part of that application, a written authorization that permits the information from
    - (i) the relative of the child with whom the child is residing, and
    - (ii) each person who is 18 years of age or older who is residing in the home referred to in subparagraph (i)to be used and disclosed in the manner set out in subsection (2).
- (2) The written authorization referred to in subsection (1) must permit the minister, in order to make a determination referred to in section 6 (2.1) (d), to use and disclose information about a person referred to in subsection (1) (b) (i) or (ii) in conducting a criminal record check of the person and in reviewing whether the person has had any prior contact with a director, as defined in section 1 of the *Child, Family and Community Service Act*, or a delegate of the director.. (B.C. Reg. 400/2007)

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## Applicant requirements

- 5 (1) For a family unit to be eligible for income assistance or a supplement, an adult in the family unit must apply for the income assistance or supplement on behalf of the family unit unless
- (a) the family unit does not include an adult, or
  - (b) the spouse of an adult applicant has not reached 19 years of age, in which case that spouse must apply with the adult applicant.
- (2) Subject to section 6 [*child in the home of a relative*], a child who is not residing with his or her parent is not eligible to receive assistance unless, after reasonable efforts by the minister to have the parent assume responsibility for the financial support of the child, the minister decides to grant income assistance to the child.

6

## Child in the home of a relative

- 6 (1) In this section,
- “**child**” does not include a person with disabilities;
  - “**relative**” in relation to a child, does not include the child’s parent.
- (2) Subject to subsection (2.1), a child is eligible for income assistance under section 11 of Schedule A if
- (a) the child resides with his or her relative,
  - (b) the child’s parent placed the child with the relative, and
  - (c) the child’s parent does not reside with the relative,
- (2.1) A child is not eligible for income assistance under subsection (2) if
- (a) the child ceases to meet the conditions set out in subsection (2),
  - (b) the relative with whom the child resides has entered into an agreement under section 8 of the *Child, Family and Community Service Act* in relation to the child,
  - (c) the relative with whom the child resides or the parent of the child fails
    - (i) to provide accurate and complete information to the minister,
    - (ii) to provide all of the authorizations requested by the minister under section 4.4 or 34.1 within the time, if any, specified by the minister,
    - (iii) to attend in person at the ministry office when required to do so by the minister under section 34.1 (2) (c), or
    - (iv) to submit the form required by the minister under section 34.1 (2) (a), within the time specified by the minister,
  - (d) the minister determines, based on a review of the application of the child provided on or after December 1, 2007 and information obtained under the authorization appended to the application, that there is a level of risk to the

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child in the home that indicates the home where the child resides is not an appropriate place for the child, or

- (e) the minister has conducted an audit under section 34.1 and determines, based on information provided under the audit, that there is a level of risk to the child in the home that indicates the home where the child resides is not an appropriate place for the child.

(B.C. Reg. 400/2007)

7

### Citizenship requirements

- 7 (1) For a family unit to be eligible for income assistance at least one applicant or recipient in the family unit must be
  - (a) a Canadian citizen;
  - (b) authorized under an enactment of Canada to take up permanent residence in Canada;
  - (c) determined under the *Immigration and Refugee Protection Act* (Canada) or the *Immigration Act* (Canada) to be a Convention refugee;
  - (d) in Canada under a temporary residence permit issued under the *Immigration and Refugee Protection Act* (Canada) or on a minister's permit issued under the *Immigration Act* (Canada);
  - (e) in the process of having his or her claim for refugee protection, or application for protection, determined or decided under the *Immigration and Refugee Protection Act* (Canada); or
  - (f) subject to a removal order under the *Immigration and Refugee Protection Act* (Canada) that cannot be executed.

(B.C. Reg. 69/2008)

- (2) If a family unit satisfies the requirement under subsection (1), income assistance and supplements may be provided to or for the family unit on account of each person in the family unit who is
  - (a) a Canadian citizen,
  - (b) authorized under an enactment of Canada to take up permanent residence in Canada,
  - (c) determined under the *Immigration and Refugee Protection Act* (Canada) or the *Immigration Act* (Canada) to be a Convention refugee,
  - (d) in Canada under a temporary residence permit issued under the *Immigration and Refugee Protection Act* (Canada) or on a minister's permit issued under the *Immigration Act* (Canada),
  - (e) in the process of having his or her claim for refugee protection, or application for protection, determined or decided under the *Immigration and Refugee*

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*Protection Act (Canada), (B.C. Reg. 252/2005)*

- (f) subject to a removal order under the *Immigration and Refugee Protection Act (Canada)* that cannot be executed, or (B.C. Reg. 69/2008)
  - (g) a dependent child.
- (3) If a family unit includes a person who is not described in subsection (2),
- (a) the person's income and assets must be included in the income and assets of the family unit for the purposes of determining whether the family unit is eligible for assistance, except as otherwise provided in this regulation, and
  - (b) the family unit is not eligible for any income assistance under Schedule A, hardship assistance under Schedule D or supplements under Division 1, 2, 3 or 5 of Part 5 of this regulation on account of or for the use or benefit of that person.

## Division 2 – Income and Asset Restrictions

8

### Effect of applying for other sources of income

- 8 (1) For the purposes of subsection (2), “**income**” does not include
- (a) earned income described in paragraphs (a), (d) or (e) of the definition in section 1, or
  - (b) income exempt under section 1 of Schedule B.
- (2) A family unit is not eligible for income assistance if an applicant in the family unit has applied for income from another source.

9

### Requirement to apply for CPP benefits

- 9 If a family unit includes a recipient who may be eligible for a benefit under the *Canada Pension Plan (Canada)*, for the family unit to continue to be eligible for income assistance, the recipient, when requested by the minister, must complete a Consent to Deduction and Payment under the *Canada Pension Plan (Canada)* directing that
- (a) an amount up to the amount of income assistance provided to or for the family unit from the date that the recipient becomes eligible for the Canada Pension Plan benefit be deducted from the amount of that benefit, and
  - (b) the amount deducted be paid to the minister. (B.C. Reg. 463/2003)

10

### Limits on income

- 10 (1) For the purposes of the Act and this regulation, “**income**”, in relation to a family unit, includes an amount garnished, attached, seized, deducted or set off from the

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income of an applicant, a recipient or a dependant.

- (2) A family unit is not eligible for income assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of income assistance determined under Schedule A for a family unit matching that family unit.

11

## Asset limits

- 11 (1) The following assets are exempt for the purposes of subsection (2):
- (a) clothing and necessary household equipment;
  - (b) one motor vehicle generally used for day to day transportation needs if
    - (i) the equity in the motor vehicle does not exceed \$5 000,
    - (ii) the motor vehicle has been significantly adapted to accommodate the disability of a recipient in the family unit;
    - (iii) the motor vehicle is used to transport a disabled dependent child, or
    - (iv) the motor vehicle is used to transport
      - (A) a disabled child in the home of a relative, or
      - (B) a disabled foster child,if the child is in the care of the applicant or recipient;(B.C. Reg. 235/2003)
  - (c) a family unit's place of residence;
  - (d) money received or to be received from a mortgage on, or an agreement for sale of, the family unit's previous place of residence if the money is
    - (i) applied to the amount owing on the family unit's current place of residence, or
    - (ii) used to pay rent for the family unit's current place of residence;
  - (e) a child tax benefit under the *Income Tax Act* (Canada);
  - (f) a goods and services tax credit under the *Income Tax Act* (Canada);
  - (g) a sales tax credit under the *Income Tax Act* (British Columbia);
  - (h) an uncashed life insurance policy with a cash surrender value of \$1 500 or less;
  - (i) business tools;
  - (j) seed required by a farmer for the next crop-year;
  - (k) basic breeding-stock held by a farmer at the date of the applicant's submission of the application for income assistance (part 2) form, and female stock held for stock replacement; (B.C. Reg.304/2005)
  - (l) essential equipment and supplies for farming and commercial fishing;
  - (m) fishing craft and fishing gear owned and used by a commercial fisher;

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- (n) prepaid funeral costs;
- (o) individual redress payments granted by the government of Canada to a person of Japanese ancestry;
- (p) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;
- (q) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus;
- (r) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;
- (s) money that is
  - (i) paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or
  - (ii) paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry; (B.C. Reg. 276/2004)
- (t) money paid under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
- (u) an income tax refund, or part of an income tax refund, that arises by reason of a payment made by the government of British Columbia to the government of Canada on behalf of a person who incurred a tax liability due to income received under the Forest Worker Transition Program;
- (v) money paid to a person in settlement of a claim of abuse at an Indian residential school, except money paid as income replacement in the settlement;
- (w) post adoption assistance payments provided under section 28 (1) or 30.1 of the Adoption Regulation, B.C. Reg. 291/96;
- (x) for a recipient who is participating in a self-employment program funded or established by the minister under section 7 of the Act,
  - (i) up to a maximum of \$5 000 kept by the recipient in a separate account described in section 4 (2) (b) (ii) of Schedule B, and
  - (ii) up to a maximum of \$50 000, or a greater amount approved by the minister, consisting of
    - (A) the value of assets used by the recipient in operating a small business under the self-employment program, and
    - (B) a loan that is not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 77.2 of this regulation, and received and used for the purposes set out in the business plan; (B.C. Reg. 462/2003)
- (y) assets exempted under section 12 (2) [*asset development accounts*] or 13 (2) [*assets held in trust for person in special care facility*].

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- (z) payments granted by the government of British Columbia as Interim Early Intensive Intervention Funding;
  - (aa) payments granted by the government of British Columbia under section 8 of the *Child, Family and Community Service Act* [agreement with child's kin and others];
  - (bb) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program.  
(B.C. Reg. 115/2003)
  - (cc) payments granted by the Government of British Columbia under the Ministry of Children and Family Development's Extended Autism Intervention Program; (BC Reg. 209/2003)
  - (dd) payments granted by the Government of British Columbia under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*, for contributions to the support of a child to a person other than a parent of that child. (BC Reg. 209/2003)
  - (ee) payments granted by the government of British Columbia under the Ministry of Children and Family Development's
    - (i) Autism Funding: Under Age 6 Program, or
    - (ii) Autism Funding: Ages 6 - 8 Program. (B.C. Reg. 22/2005)
  - (ff) funds held in a registered education savings plan. (B.C. Reg. 305/2005)
  - (gg) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills program, or a supported work placement program, approved by Community Living BC. (B.C. Reg. 192/2006)
  - (hh) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act* (Canada). (B.C. Reg. 250/2006)
  - (ii) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990, except money paid under that agreement as income replacement. (B.C. Reg. 165/2007)
  - (jj) funds held in a registered disability savings plan; (B.C. Reg. 362/2007)
  - (kk) a working income tax benefit provided under the *Income Tax Act* (Canada). (B.C. Reg. 48/2008)
  - (ll) the low income climate action tax credit under section 8.1 of the *Income Tax Act*;
  - (mm) the climate action dividend under section 13.02 of the *Income Tax Act*; (B.C. Reg. 94/2008)
  - (nn) money paid or payable to a person under the *Criminal Injury Compensation Act* as compensation for non-pecuniary loss or damage for pain, suffering mental or emotional trauma, humiliation or inconvenience that occurred when the person was under 19 years of age. (B.C. Reg. 87/2008)
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- (1.1) Despite subsection (1), assets described in subsection (1) (x) (ii) (A) are not exempt under subsection (1) (i), (j), (k), (l) or (m). (B.C. Reg. 462/2003)
- (2) A family unit is not eligible for income assistance if any of the following apply:
- (a) a sole applicant has no dependent children and has
    - (i) assets with a total value of more than \$1 500, or
    - (ii) cash assets in an amount that is equal to or greater than the sum of the amount the applicant would otherwise be eligible for under section 28 [amount of income assistance] and \$150;
  - (b) a sole recipient has no dependent children and has assets with a total value of more than \$1 500;
  - (c) an applicant has one or more dependants and the family unit has
    - (i) assets with a total value of more than \$2 500, or
    - (ii) cash assets in an amount that is equal to or greater than the sum of the amount the applicant would otherwise be eligible for under section 28 [amount of income assistance] and \$250;
  - (d) a recipient has one or more dependants and the family unit has assets with a total value of more than \$2 500;
  - (e) an applicant or a recipient
    - (i) receives accommodation and care in a private hospital or a special care facility, other than an alcohol or drug treatment centre, or is admitted to a hospital for extended care, and
    - (ii) has assets with a total value of more than
      - (A) \$3 000, if the applicant or recipient has no dependants, or
      - (B) \$5 000, if the applicant or recipient has one or more dependants.
- (2.1) Despite subsection (2), a family unit that includes an applicant or a recipient who has applied for and has not been denied, or who the minister is satisfied has a genuine intention to apply for, designation as a person with disabilities under section 2 of the *Employment and Assistance for Persons with Disabilities Act* may receive income assistance, subject to all other eligibility criteria, if the family unit has assets with a total value of no more than
- (a) \$3 000, if the applicant or recipient has no dependants, or
  - (b) \$5 000, if the applicant or recipient has one or more dependants.
- (2.2) For the purposes of subsection (2.1), in addition to the assets described in subsection (2.1) (a) or (b), the family unit may own one motor vehicle generally used for day to day transportation needs.
- (2.3) Subsection (1) (b) does not apply to a family unit to which subsection (2.2) applies.

(B.C. Reg. 86/2008)

- (3) The minister may authorize one or more of the following:
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- (a) that for a family unit that includes a person who has persistent multiple barriers to employment or a person who has reached 65 years of age, the total cash surrender value of an uncashed life insurance policy of an applicant or recipient is not to be included as an asset for the purposes of subsection (2) for the period specified by the minister;
  - (b) that saleable acreage and buildings owned by an applicant or recipient are to be treated as though they were the place of residence of the applicant's or recipient's family unit for the period specified by the minister.
- (4) The following amounts must be treated as unearned income for the first month for which income assistance or hardship assistance is provided to or for a family unit:
- (a) for a sole applicant with no dependent children, the amount by which his or her cash assets exceed \$150;
  - (b) for an applicant with one or more dependants, the amount by which his or her cash assets exceed \$250.

12

### Asset development accounts

12 (1) In this section,

**“asset development account”** means a savings institution account that is

- (a) established exclusively for the purpose of enabling an applicant or a recipient to participate in an asset development account program, and
- (b) comprised exclusively of deposits of money contributed by an applicant or a recipient and additional amounts that
  - (i) are contributed by or through the operator of the asset development account program, and
  - (ii) equal the percentage of the applicant's or recipient's contributions established for the applicant or recipient under the program;

**“asset development account program”** means a saving program that is

- (a) designed to assist individuals to achieve savings for the purposes of future self-sufficiency or future enhanced self-sufficiency, and
  - (b) approved by the minister for the purposes of this regulation.
- (2) For the period that an applicant or recipient is participating in an asset development account program, the applicant's or recipient's asset development account is exempt as an asset for the purposes of section 11 (2) [*asset limits*].
- (3) If an applicant or recipient does not use all or part of the money contributed to an asset development account for the purposes specified under the program, subsection (2) ceases to apply to that portion of the money not used for those purposes.

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13

### Assets held in trust for person receiving special care

- 13 (1) In this section, “**disability-related cost**” means the cost of providing any of the following to a person receiving accommodation or care in a private hospital or a special care facility, other than a drug or alcohol treatment centre:
- (a) devices, or medical aids, related to improving the person’s health or well-being;
  - (b) caregiver services or other services related to the person’s disability;
  - (c) education or training;
  - (d) any other item or service the minister considers necessary to promote the independence of that person.

(2) For a person

- (a) who is receiving accommodation or care in a private hospital or special care facility, other than a drug or alcohol treatment centre, or to whom section 11 (2.1) applies, and
- (b) who complies with subsection (4),

(B.C. Reg. 86/2008)

up to \$100 000, or a higher limit if authorized by the minister under subsection (3), of the aggregate value of the person’s beneficial interest in real or personal property held in one or more trusts, calculated as follows:

- (c) the sum of the value of the capital of each trust on the later of April 26, 1996 or the date the trust was created, plus
  - (d) any capital subsequently contributed to a trust referred to in paragraph (c) is exempt for the purposes of section 11 (2) [*asset limits*].
- (3) If the minister is satisfied that, because of special circumstances, the lifetime disability-related costs of a person referred to in subsection (2) will amount to more than \$100 000, the minister may authorize a higher limit for the person for the purposes of subsection (2).
- (4) A person referred to in subsection (2) who has a beneficial interest in one or more trusts must keep records of the following and make the records available for inspection at the request of the minister:
- (a) for a trust created before April 26, 1996, the capital of the trust on that date;
  - (b) for a trust created on or after April 26, 1996, the capital of the trust on the date the trust was created;
  - (c) the amount of capital contributed in each subsequent year to a trust referred to in paragraph (a) or (b);
  - (d) all payments made after April 26, 1996 to or on behalf of the person from a trust in which that person has a beneficial interest.
- (5) For the purposes of this section, the real or personal property of a “patient”, as

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defined in the *Patients Property Act*, is to be treated as if the real or personal property were held in trust for the patient by the patient's committee.

## Division 3 – Specific Circumstances of an Applicant or Recipient That Affect Eligibility

14

### Effect of strike or lockout on eligibility

- 14 A family unit is not eligible for income assistance if an applicant is on strike or locked out.

15

### Effect of being in prison or other lawful place of confinement

- 15 A person is not eligible for income assistance or supplements while the person
- (a) is detained in a lawful place of confinement, such as a federal or provincial correctional institution, jail, lockup, prison or camp, or
  - (b) is absent from a lawful place of confinement under a temporary absence program and is residing at a halfway house that is funded, sponsored or contracted for by the federal, or a provincial, government.

16

### Effect of family unit including full-time student

- 16 (1) A family unit is not eligible for income assistance for the period described in subsection (2) if an applicant or a recipient is enrolled as a full-time student
- (a) in a funded program of studies, or
  - (b) in an unfunded program of studies without the prior approval of the minister.
- (2) The period referred to in subsection (1)
- (a) extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams in the relevant program of studies are held, and
  - (b) is not longer than one year. (B.C. Reg. 284/2003)

17

### Effect of recipient being absent from BC for more than 30 days

- 17 The family unit of a recipient who is outside of British Columbia for more than a total of 30 days in a year ceases to be eligible for income assistance or hardship assistance unless the minister has given prior authorization for the continuance of income

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assistance or hardship assistance for the purpose of

- (a) permitting the recipient to participate in a formal education program,
- (b) permitting the recipient to obtain medical therapy prescribed by a medical practitioner, or
- (c) avoiding undue hardship.

**18**

### Requirement for 2 years employment

- 18**
- (1) For the purposes of section 8 (1) (a) of the Act, an applicant must have been employed for remuneration for at least 840 hours in each of the 2 consecutive years.
  - (2) For the purposes of section 8 (1) (b) of the Act, an applicant must have earned remuneration for employment of at least \$7 000 in each of the 2 consecutive years.
  - (3) Section 8 of the Act does not apply to the family units of the following categories of applicants:
    - (a) applicants who have not reached the age of 19;
    - (b) applicants who are pregnant;
    - (c) applicants who have a medical condition that, in the opinion of the minister,
      - (i) will prevent the applicant from working for at least the next 30 days, or
      - (ii) has prevented the applicant from working for a total of at least six months of the 2 years immediately preceding the date of the applicant's submission of the application for income assistance (part 2) form; (B.C. Reg. 304/2005)
    - (d) applicants with dependent children;
    - (e) applicants who have a child in the home of a relative;
    - (f) applicants who have a foster child;
    - (g) applicants who were supported by an employed spouse for at least 2 years;
    - (h) applicants who were supported by an employed spouse for a portion of a two year period and met a requirement of section 8 (1) of the Act for the balance of the two year period;
    - (i) applicants who were incarcerated in a lawful place of confinement for at least 6 months of the 2 year period immediately preceding the date of application for income assistance;
    - (j) applicants who were in the care of a director under the *Child, Family and Community Service Act* or who had an agreement with a director under section 12.2 of the *Child, Family and Community Services Act* until the applicant's 19th birthday;
    - (k) applicants who
      - (i) have separated from an abusive spouse, or

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- (ii) changed place of residence to flee an abusive relative, other than a spouse,  
within the past 6 months if, in the minister's opinion, the applicant's ability to work is consequently impaired;
- (l) applicants who have been awarded a 2 year diploma or certificate, a bachelors degree or a post-graduate degree from a post-secondary institution;
- (m) applicants who have persistent multiple barriers to employment;
- (n) applicants who reside with and care for a spouse who has a physical or mental condition that, in the minister's opinion, precludes the applicant from leaving home for the purposes of employment.
- (o) applicants who are providing care for a child under an agreement referred to in section 8 of the *Child, Family and Community Service Act*, (B.C. Reg. 331/2003)
- (p) applicants who are providing care for a child under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*. (B.C. Reg. 331/2003)

### Division 4 – Assignment of Maintenance Rights

19

#### Definitions for division

19 In this Division:

“**assignment**” means an assignment of maintenance rights to the minister;

“**assignor**” means a person who has made an assignment;

“**child support**” has the same meaning as “child support” in section 93.3 (1) of the *Family Relations Act*;

“**child support service**” means a child support service established under section 93.3 (2) of the *Family Relations Act*;

“**debtor**” has the same meaning as in section 1 (1) of the *Family Maintenance Enforcement Act*;

“**director of maintenance enforcement**” has the same meaning as “director” in section 1 (1) of the *Family Maintenance Enforcement Act*;

“**maintenance**” has the same meaning as in section 1 (1) of the *Family Maintenance Enforcement Act*;

“**maintenance agreement**” means a written agreement containing provisions respecting the payment of maintenance;

“**maintenance order**” has the same meaning as in section 1 (1) of the *Family*

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*Maintenance Enforcement Act;*

“**maintenance rights**” means any of the maintenance rights set out in section 21 [categories of maintenance rights];

“**spouse**” includes a former spouse.

20

## Categories of persons who must assign maintenance rights

- 20 (1) For a family unit to be eligible for income assistance or hardship assistance, an applicant or recipient in the family unit who is in any of the following categories and who has for himself or herself or for a dependant a maintenance right described in section 21 [categories of maintenance rights] must disclose and assign, in the form specified by the minister, that maintenance right to the minister:
- (a) a spouse;
  - (b) a spouse who has one or more dependent children from a former relationship;
  - (c) a person who has never been a spouse and has one or more dependent children;
  - (d) a person under 19 years of age who is not residing with his or her parents;
  - (e) a spouse
    - (i) who has one or more children from a former relationship who no longer are dependent children, and
    - (ii) is owed arrears under a maintenance order or maintenance agreement in respect of one or more of those children;
  - (f) a person who
    - (i) has never been a spouse,
    - (ii) has one or more children who no longer are dependent children, and
    - (iii) is owed arrears under a maintenance order or maintenance agreement in respect of one or more of those children.

(B.C. Reg. 39/2009)

- (2) The requirement to assign maintenance rights does not apply to any person in a family unit who is not in a category described in section 7 (2) (a) to (f) [citizenship requirements].

21

## Categories of maintenance rights

- 21 The following categories of maintenance rights must be assigned to the minister:
- (a) the right to make an application under an enactment of British Columbia for a maintenance order;
  - (b) the right to enter into a maintenance agreement;

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- (c) the right to make or defend an application for variation of a maintenance agreement or maintenance order;
- (d) the right to receive payment under
  - (i) a maintenance agreement or maintenance order, or
  - (ii) a maintenance order made under the *Divorce Act* (Canada) or otherwise;
- (e) the right to enforce a maintenance agreement or maintenance order;
- (f) the right to file a maintenance agreement with a court in British Columbia;
- (g) the right to file an extra-provincial maintenance order with a court in British Columbia;
- (h) the right to file or withdraw a maintenance order under the *Family Maintenance Enforcement Act*;
- (i) the right to make payment arrangements with the debtor for the recovery of arrears.

22

### Notice of assignment

- 22
- (1) Before taking any steps to enforce maintenance rights assigned under this Division, the minister must give written notice of the assignment to the person against whom the minister intends to exercise the assigned maintenance rights.
  - (2) A person to whom notice of assignment is given under subsection (1) must promptly serve the minister with a copy of any application made by the person to vary, rescind or suspend a maintenance order or to reduce or cancel arrears of payments under a maintenance order.
  - (3) The minister's inability, after reasonable effort, to give notice under subsection (1) does not affect the validity of proceedings under this Division.
  - (4) Notice under subsection (1) may be given by ordinary mail.

### How long an assignment is in effect

- 23
- (1) An assignment under this Division ends when
    - (a) the assignor no longer receives income assistance or hardship assistance,
    - (b) all income assistance and hardship assistance provided to the assignor's family unit in place of maintenance has been recovered by the minister, and
    - (c) the assignor receives notice from the minister that the assignment has ended.
  - (2) Despite subsection (1), an assignment under this Division that would otherwise have ended under subsection (1) continues in force if the minister and assignor agree in writing to the continuation.
  - (3) An assignment under this Division that is continued under subsection (2) ends if

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the minister or the assignor delivers written notice by ordinary mail to the other of the termination.

- (4) If an assignor no longer receives income assistance or hardship assistance and amounts owing to the government under this Division still remain unrecovered, then, despite section 21 [*categories of maintenance rights*], only the following maintenance rights remain in effect under the assignment:
- (a) the right to withdraw a maintenance order under the *Family Maintenance Enforcement Act*;
  - (b) the right to receive payment of maintenance arrears that are owed to the government under an assignment;
  - (c) the right to defend an application to reduce or cancel arrears of maintenance owed to the government;
  - (d) the right to make arrangements with the debtor for payment of arrears of maintenance owed to the government;
  - (e) the right to enforce the maintenance order with respect to arrears owed to the government.

24

### Terms to be included in the assignment

24 An assignment under this Division must include all of the following terms:

- (a) the assignment of the categories of maintenance rights set out in section 21 [*categories of maintenance rights*];
- (b) authorization by the assignor that
  - (i) the minister may provide to the director of maintenance enforcement any information necessary for the filing, enforcement and monitoring of payments made under the assignor's maintenance order,
  - (ii) the director of maintenance enforcement may provide to the minister
    - (A) any information that affects eligibility for income assistance or hardship assistance, and
    - (B) information about the payment, monitoring or enforcement of the assignor's maintenance order, and
  - (iii) the minister may obtain or search court documents required to exercise the rights assigned;
  - (iv) the minister may provide to the child support service any information necessary for the purpose of recalculating child support under a maintenance agreement or a maintenance order that is assigned to the minister; and
  - (v) the child support service may provide to the minister any information regarding the recalculation of child support under a maintenance agreement or maintenance order that is assigned to the minister; (B.C. Reg. 313/2006)

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- (c) agreement by the assignor to cooperate with the minister and the director of maintenance enforcement as necessary to obtain, vary or enforce the assignor's maintenance agreement or maintenance order including
  - (i) providing any information and verifications relating to the debtor's name, address, employer and salary,
  - (ii) providing the names, ages and custody or residency arrangements of all children of the union,
  - (iii) attending at all appointments, meetings and court proceedings relating to the assigned rights when requested to do so by the minister or the director of maintenance enforcement, and
  - (iv) providing the court file number and style of cause of any maintenance orders in existence;
- (c.1) agreement by the assignor to cooperate with the minister and the child support service as necessary for the purpose of recalculating child support; (B.C. Reg. 313/2006)
- (d) acknowledgment by the assignor that
  - (i) he or she cannot take any of the actions or enter any agreements related to maintenance that are set out in the assignment as long as the assignment to the minister is in effect, unless authorized in writing by the minister, and that to do so without authorization will affect the assignor's eligibility for income assistance or hardship assistance,
  - (ii) if legal counsel for the government has brought or is defending a proceeding on the assignor's behalf, the legal counsel is solely counsel for the government and there is no solicitor-client relationship between that counsel and the assignor,
  - (iii) only the minister can forgive, reduce or otherwise vary arrears of maintenance owed to the government, and
  - (iv) no agreement to cancel or reduce arrears owed to the assignor under the assignor's maintenance agreement or maintenance order will be made by the government without the assignor's consent;
- (e) the assignment will continue in effect after the assignor no longer receives income assistance or hardship assistance if there are still arrears of maintenance unrecovered by the government and, so long as there are arrears, the assignor acknowledges that only the government is entitled to
  - (i) withdraw a maintenance order under the *Family Maintenance Enforcement Act*,
  - (ii) receive payment of maintenance arrears that are owed to the government under an assignment,
  - (iii) defend an application to reduce or cancel arrears of maintenance owed to the government,
  - (iv) make arrangements with the debtor for payment of arrears of

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- maintenance owed to the government, and
- (v) enforce the maintenance order with respect to arrears owed to the government;
- (f) the assignment ceases to have effect when
  - (i) income assistance and hardship assistance are no longer provided to the assignor's family unit and there are no arrears unrecovered by the government, and
  - (ii) a written notice of termination of the assignment is sent to the assignor at the last known address of the assignor shown on record with the ministry.

25

### Failure to comply with terms of assignment

- 25 (1) If an assignor who is receiving income assistance or hardship assistance fails to comply with the terms of an assignment as prescribed in section 24 (c) [*terms to be included in the assignment*], the assignor's family unit may be declared ineligible for income assistance or hardship assistance.
- (2) This section does not apply if the minister is satisfied that the failure of the assignor to comply with the terms of the assignment is beyond the control of the assignor.

### Division 5 – Amount and Duration of Income Assistance

26

### Effective date of eligibility

- 26 (1) Except as provided in subsection (2), (2.1) or (3.1) a family unit is not eligible for income assistance or supplements in respect of a period that occurred before the date the minister determines the family unit is eligible for the income assistance or supplements, as applicable. (B.C. Reg. 340/2008)
- (2) A family unit becomes eligible
- (a) for a support allowance under sections 2 and 3 of Schedule A on the date of the applicant's submission of the application for income assistance (part 2) form, (B.C. Reg. 304/2005)
  - (b) for a shelter allowance under sections 4 and 5 of Schedule A on the first day of the calendar month that includes the date of the applicant's submission of the application for income assistance (part 2) form, but only for that portion of that month's shelter costs that remains unpaid on the date of that submission, (B.C. Reg. 304/2005)
  - (c) for income assistance under sections 6 to 10 of Schedule A on the date of the

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applicant's submission of the application for income assistance (part 2) form, and (B.C. Reg. 400/2007)

- (d) for income assistance under section 11 of Schedule A on the date of the applicant's submission of the application for a child in the home of a relative income assistance form. (B.C. Reg. 400/2007)
- (2.1) If the tribunal rescinds a decision of the minister refusing a supplement, the family unit is eligible for the supplement from the date of the minister's decision on the applicant's request under section 17 (1) [*reconsideration and appeal rights*] of the Act in relation to the supplement. (B.C. Reg. 340/2008)
- (3) If a family unit includes a person who qualifies as a person who has persistent multiple barriers to employment, the family unit becomes eligible to receive income assistance at the rate specified under Schedule A for a family unit that matches that family unit on the first day of the month after the month in which the minister determines that the person qualifies as a person who has persistent multiple barriers to employment.
- (3.1) If the tribunal rescinds a decision of the minister determining that a person does not qualify as a person who has persistent multiple barriers to employment, the person's family unit is eligible to receive income assistance at the rate specified under Schedule A for a family unit that matches that family unit on the first day of the month after the date of the minister's decision on the applicant's request under section 17 (1) [*reconsideration and appeal rights*] of the Act in relation to the determination. (B.C. Reg. 340/2008)
- (4) If a family unit that includes a person who qualifies as a person who has persistent multiple barriers to employment does not receive income assistance at the applicable rate under Schedule A from the date the family unit became eligible for it, the minister may backdate payment but only to whichever of the following results in the shorter payment period:
  - (a) the date the family unit became eligible under subsection (3) or (3.1), as applicable, for the applicable rate; (B.C. Reg. 340/2008)
  - (b) 12 calendar months before the date of payment.
- (5) A family unit is not eligible for any assistance in respect of a service provided or a cost incurred before the calendar month in which the assistance is requested.

27

### Time limits for income assistance

- 27 (1) The eligibility of a family unit for income assistance in any calendar month is subject to the following limitations:
  - (a) when income assistance has been provided to or for a family unit that includes only 1 person for a total of 24 of the previous 60 calendar months,

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the family unit is not eligible for income assistance;

- (b) when income assistance has been provided to or for a family unit that includes 2 persons, neither of whom is a dependent child,
  - (i) on account of each recipient for a total of 24 of the previous 60 calendar months, the family unit is not eligible for income assistance, and
  - (ii) on account of one recipient for a total of 24 of the previous 60 calendar months and on account of the other recipient for less than 24 of the previous 60 calendar months, the income assistance provided to or for the family unit for a calendar month must be reduced by \$300;
- (c) when income assistance has been provided to or for a family unit that includes at least 2 persons, at least one of whom is a dependent child, on account of at least one recipient for a total of 24 of the previous 60 calendar months, the income assistance provided to or for the family unit for a calendar month must be reduced by \$100 for each recipient in the family unit to or for whom income assistance has been provided for a total of 24 of the previous 60 calendar months.

(1.1) Despite subsection (1) (a) and (b), subsection (1) (c) applies to a family unit described in subsection (1) (a) or (b) if a recipient in the family unit is providing care for a child who resides with the family unit and is

- (a) a child in the home of a relative,
- (b) a foster child of the recipient, or
- (c) the subject of an agreement referred to in section 8 or 93 (1) (g) (ii) of the *Child, Family and Community Service Act* to which a recipient in the family unit is a party.

(B.C. Reg. 160/2004)

(1.2) For the purposes of calculating whether the limits under subsection (1) have been met, any period during which subsection (2) applies to the family unit must not be included either as a month for which income assistance has been provided or for the purpose of calculating the previous 60 calendar months.

(B.C. Reg. 160/2004)

(2) Subsections (1) and (1.1) do not apply to the following categories of family units:

(B.C. Reg. 160/2004)

- (a) family units in which all recipients
  - (i) have reached 65 years of age,
  - (ii) have persistent multiple barriers to employment, or
  - (iii) are receiving accommodation and care in a special care facility or a private hospital, other than an alcohol or drug treatment centre, or who are admitted to a hospital because they require extended care;

(B.C. Reg 116/2003)

- (b) children in the homes of relatives.
- (c) family units that include at least one recipient in respect of whom income assistance has been provided to or for the family unit for 24 months, not

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including months excluded under subsection (3), of the previous 60 calendar months as long as

- (i) each recipient in the family unit who is subject to an employment plan complies with the employment plan, and
- (ii) the conditions for ineligibility or reduction under section 13 of the Act are not met in relation to a recipient in the family unit.

(B.C. Reg. 160/2004)

- (2.1) If a family unit is subject to a reduction or becomes ineligible under subsection (1), the portion of the reduction or ineligibility that is attributable to the circumstances of one of the recipients ends when that recipient reaches 65 years of age,

(B.C. Reg. 116/2003)

- (3) For the purpose of calculating whether income assistance has been provided to or for a recipient for a total of 24 out of the previous 60 calendar months the following calendar months must not be included as a month for which income assistance has been provided, but must be included for the purpose of calculating the previous 60 months, in relation to a recipient:

(B.C. Reg. 160/2004)

- (a) each calendar month during which the recipient qualifies as a recipient in a category described in section 29 (4) (b) to (g) and (i) to (k)".

(B.C. Reg. 374/2003), (B.C. Reg. 160/2004)

- (a.1) each calendar month during which the recipient, regardless of the status of other recipients in the family unit, is a person described in section 29 (4) (h) (ii) to (iii), (v) and (vi); (B.C. Reg. 160/2004)

- (b) each calendar month during which the recipient participates in the following portions of a training for jobs program approved by the minister:

(i) acceptance into the program,

(ii) training,

(iii) job placement; (B.C. Reg 116/2003), (B.C. Reg. 160/2004)

- (c) each calendar month during which the income assistance provided to the family unit was reduced on account of the recipient under subsection (1) (b) (ii) or (c); (B.C. Reg. 160/2004)

- (d) each calendar month during which the recipient was pregnant;  
(B.C. Reg. 160/2004)

- (e) each calendar month during which the recipient was under 19 years of age.  
(B.C. Reg 116/2003), (B.C. Reg. 160/2004)

- (f) each calendar month during which the recipient has

(i) a drug or alcohol problem,

(ii) a mental health condition, or

(iii) a temporary medical condition

that, in the minister's opinion, interferes with the recipient's ability to search for, accept or continue in employment. (B.C. Reg. 160/2004)

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- (g) each calendar month during which a sole recipient
  - (i) has a dependent child,
  - (ii) has in his or her care a child in the home of a relative, or
  - (iii) has in his or her care a foster child,and the child has a physical or mental condition that, in the minister's opinion, precludes the sole recipient from working, on average, more than 30 hours each week. (B.C. Reg. 87/2005)

- (4) For the purposes of subsection (1), a person in the family unit who is not a person described in section 7 (2) [*citizenship requirements*] must not be included in the family unit.

28

### Amount of income assistance

- 28 Income assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than
  - (a) the amount determined under Schedule A, minus
  - (b) the family unit's net income determined under Schedule B.

## Part 3 – Other Factors That Affect Eligibility for Income Assistance or Hardship

### Division 1 – Factors Related to Employment and Employment Plans

29

### Consequences of failing to meet employment-related obligations

- 29 (1) For the purposes of section 13 (2) (a) [*consequences of not meeting employment-related obligations*] of the Act,
  - (a) for a default referred to in section 13 (1) (a) of the Act, the income assistance or hardship assistance provided to or for the family unit must be reduced by \$100 for each of 2 calendar months starting from the later of the following dates:
    - (i) the date of the applicant's submission of the application for income assistance (part 2) form under this regulation; (B.C. Reg. 304/2005)
    - (ii) the date the default occurred, and
  - (b) for a default referred to in section 13 (1) (b) of the Act, the income assistance or hardship assistance provided to or for the family unit must be reduced by \$100 for each calendar month until the later of the following occurs:
    - (i) the income assistance or hardship assistance provided to the family

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- unit has been reduced for one calendar month;
  - (ii) the minister is satisfied that the applicant or recipient who committed the default is demonstrating reasonable efforts to search for employment. (B.C. Reg. 263/2002)
- (2) The reduction under subsection (1) applies in respect of each applicant or recipient in a family unit who does anything prohibited under section 13 (1) [*consequences of not meeting employment-related obligations*] of the Act.
- (3) For the purposes of section 13 (2) (b) [*consequences of not meeting employment-related obligations*] of the Act, the period of ineligibility for income assistance lasts
  - (a) for a default referred in to section 13 (1) (a) of the Act, until 2 calendar months have elapsed from the later of the following dates:
    - (i) the date of the applicant's submission of the application for income assistance (part 2) form under this regulation; (B.C. Reg. 304/2002)
    - (ii) the date the default occurred, and (B.C. Reg. 263/2002)
  - (b) for the default referred to in section 13 (1) (b) of the Act, until the later of the following has occurred:
    - (i) the family unit has been ineligible for income assistance for one calendar month;
    - (ii) the minister is satisfied that the applicant or recipient who committed the default is demonstrating reasonable efforts to search for employment. (B.C. Reg. 263/2002)
- (4) Section 13 [*consequences of not meeting employment-related obligations*] of the Act does not apply to a family unit of an applicant or recipient who is in any of the following categories:
  - (a) Repealed. (B.C. Reg 116/2003);
  - (b) sole applicants or sole recipients who have at least one dependent child who
    - (i) has not reached 3 years of age, or
    - (ii) has a physical or mental condition that, in the minister's opinion, precludes the sole applicant or recipient from leaving home for the purposes of employment;
  - (c) sole applicants or sole recipients who have a child in the home of a relative who
    - (i) has not reached 3 years of age, or
    - (ii) has a physical or mental condition that, in the minister's opinion, precludes the sole applicant or recipient from leaving home for the purposes of employment;
  - (d) sole applicants or sole recipients who have a foster child who
    - (i) has not reached 3 years of age, or
    - (ii) has a physical or mental condition that, in the minister's opinion,

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- precludes the sole applicant or recipient from leaving home for the purposes of employment;
- (e) persons who receive accommodation and care in a special care facility or private hospital;
  - (f) applicants or recipients admitted to hospital because they require extended care;
  - (g) persons who reside with and care for a spouse who has a physical or mental condition that, in the minister's opinion, precludes the person from leaving home for the purposes of employment;
  - (h) applicants or recipients in a family unit that includes only applicants or recipients who are
    - (i) Repealed. (B.C. Reg. 160/2004)
    - (ii) persons who are participating in a treatment or rehabilitation program approved by the minister, if their participation in that program, in the minister's opinion, interferes with their ability to search for, accept or continue in employment,
    - (iii) persons who have separated from an abusive spouse or relative within the previous 6 months, if, in the minister's opinion, the abuse or the separation interferes with their ability to search for, accept or continue in employment,
    - (iv) persons not described in section 7 (2) [*citizenship requirements*], or
    - (v) persons who have persistent multiple barriers to employment;
    - (vi) persons who have reached 65 years of age; (B.C.Reg 116/2003)
  - (i) children in the home of a relative.
  - (j) sole applicants or sole recipients who are providing care under an agreement referred to in section 8 [*agreements with child's kin and others*] of the *Child, Family and Community Service Act* for a child who
    - (i) has not reached 3 years of age, or
    - (ii) has a physical or mental condition that, in the minister's opinion, precludes the sole applicant or recipient from leaving home for the purposes of employment; (B.C. Reg. 331/2003)
  - (k) sole applicants or sole recipients who are providing care under an agreement referred to in section 93 (1) (g) (ii) [*other powers and duties of directors*] of the *Child, Family and Community Service Act* for a child who
    - (i) has not reached 3 years of age, or
    - (ii) has a physical or mental condition that, in the minister's opinion, precludes the sole applicant or recipient from leaving home for the purposes of employment. (B.C. Reg. 331/2003)

30

### Consequences if dependent youth fails to enter into or comply with employment plan

30 For the purposes of section 9 (5) [*employment plan*] of the Act, if a dependent youth

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fails to enter into or comply with the conditions in an employment plan when required to do so by the minister, the income assistance or hardship assistance provided for each calendar month to the dependent youth's family unit may be reduced by \$100 until the dependent youth enters into, or complies with the conditions in, an employment plan.

### Division 2 – Factors Related to Income and Assets

31

#### Effect of failing to pursue or accept income or assets or of disposing of assets

- 31 (1) For the purposes of section 14 (3) (a) [*consequences of not accepting or disposing of property*] of the Act in relation to a failure to accept or pursue income, assets or other means of support referred to in section 14 (1) (a) of the Act, the amount of a reduction is \$100 for each calendar month for each applicant or recipient in the family unit and the period of the reduction is
- (a) if the income, assets or other means of support are still available, until the failure is remedied, and
  - (d) if the income, assets or other means of support are no longer available, for one calendar month for each \$2 000 of the value of the forgone income, assets or other means of support.
- (2) For a family unit that is declared ineligible under section 14 (3) (b) of the Act for income assistance or hardship assistance because an applicant or recipient in the family unit failed to accept or pursue income, assets or other means of support referred to in section 14 (1) (a) of the Act, the period of ineligibility is,
- (a) if the income, assets or other means of support are still available when the declaration is made, until the failure is remedied, and
  - (b) if the income, assets or other means of support are no longer available when the declaration is made, one calendar month for each \$2 000 of the value of the forgone income, assets or other means of support.
- (3) For the purposes of section 14 (3) (a) of the Act in relation to the family unit of an applicant or recipient who has disposed of real or personal property for consideration that, in the minister's opinion, is inadequate,
- (a) the amount of the reduction is \$100 for each calendar month for each applicant or recipient in the family unit, and
  - (b) the period of the reduction is one calendar month for each \$2 000 of the value of the forgone consideration.
- (4) For the purposes of section 14 (3) (b) of the Act in relation to the family unit of an applicant or recipient who has disposed of real or personal property for consideration that, in the minister's opinion, is inadequate, the period of the ineligibility is one calendar month for each \$2 000 of the value of the forgone consideration.
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- (5) For the purposes of section 14 (2) (a) of the Act, the period of ineligibility is 2 calendar months for each \$2 000 of the value of the real or personal property that was disposed of to reduce assets.

## Division 3 – Factors Related to Providing Information and Verification

32

### Consequences of failing to provide information or verification when directed

- 32 (1) For the purposes of section 10 (4) [*information and verification*] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction.
- (2) For the purposes of section 10 (5) [*information and verification*] of the Act,
- (a) the amount by which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit is \$100 for each calendar month, and
  - (b) the period for which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

### Consequences for providing inaccurate or incomplete information

- 32.1 If the minister determines under section 15.1 (1) of the Act that the minister may take action under section 15.1 (2) of the Act in relation to a family unit, the income assistance or hardship assistance provided to or for the family unit may be reduced by \$25 for
- (a) a first determination, for the next 3 calendar months for which income assistance or hardship assistance is provided to or for the family unit, starting with the first calendar month
    - (i) following the calendar month in which the minister made the determination, and
    - (ii) for which income assistance or hardship assistance is provided to or for the family unit,
  - (b) a second determination, for the next 6 calendar months for which income assistance or hardship assistance is provided to or for the family unit, starting with the first calendar month
    - (i) following the calendar month in which the minister made the determination, and

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(ii) for which income assistance or hardship assistance is provided to or for the family unit, and

(c) a third or subsequent determination, for the next 12 calendar months for which income assistance or hardship assistance is provided to or for the family unit, starting with the first calendar month

(i) following the calendar month in which the minister made the determination, and

(ii) for which income assistance or hardship assistance is provided to or for the family unit.

(BC Reg. 193/2006)

**33**

### Monthly reporting requirement

- 33** (1) For the purposes of section 11 (1) (a) [*reporting obligations*] of the Act,
- (a) the report must be submitted by the 5th day of each calendar month, and
  - (b) the information required is all of the following, as requested in the monthly report form prescribed under the Forms Regulation, (B.C. Reg. 334/2007)
    - (i) whether the family unit requires further assistance;
    - (ii) changes in the family unit's assets;
    - (iii) all income received by the family unit and the source of that income;
    - (iv) the employment and educational circumstances of recipients in the family unit;
    - (v) changes in family unit membership or the marital status of a recipient.
- (2) The relative of a child in the home of a relative must complete and submit the report required under section 11 (1) (a) of the Act or the notification required under section 11 (1) (b) of the Act on the child's behalf. (B.C. Reg. 400/2007)

**34**

### Requirement for eligibility audit

- 34** (1) For the purposes of auditing eligibility for assistance or ensuring a recipient's continuing compliance with the Act and the regulations, the minister may do either or both of the following:
- (a) require the recipient to attend in person on the date, and at the ministry office, specified by the minister;

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- (b) require the recipient to complete a form prescribed by the minister for use under this section and deliver the form to a ministry office specified by the minister.
- (2) A recipient who is required under subsection (1) (b) to complete a form but who is not required to attend in person at a ministry office must deliver that form to the specified ministry office within 20 business days after being notified of the requirement to complete the form.
- (3) Delivery of the form under subsection (2) may be made by
  - (a) leaving it with an employee in the ministry office, or
  - (b) mailing it to that office.
- (4) A family unit ceases to be eligible for assistance if
  - (a) a recipient in the family unit fails to attend in person at the ministry office when required to do so by the minister under subsection (1) (a), or
  - (b) a recipient in the family unit fails to complete and deliver the form when required to do so by the minister under subsection (1) (b).
- (5) This section does not apply to a recipient of income assistance under section 6. (B.C. Reg. 400/2007)

### 34.1

#### Eligibility audit for income assistance under section 6

- 34.1 (1) The minister may:
- (a) audit at any time the eligibility of a child for income assistance under section 6, including conducting a criminal record check of the following people and a review of whether any of the following people has had any prior contact with a director, as defined in section 1 of the *Child, Family and Community Service Act*, or a delegate of the director
    - (i) the relative of the child with whom the child is residing, and
    - (ii) each person who is 18 years of age or older who is residing in the home referred to in subparagraph (i), and
  - (b) make a determination as to whether there is a level of risk to the child in the home that indicates the home where the child resides is not an appropriate place for the child.
- (2) For the purposes of auditing eligibility of a child for income assistance under subsection (1), the minister may require that
- (a) the parent of the child and the relative with whom the child resides submit to the minister a form that contains the same information as is required in the application for a child in the home of a relative income assistance form,
  - (b) the relative with whom the child resides provide a written authorization that permits information from

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- (i) that relative, and
  - (ii) each person who is 18 years of age or older who is residing in the home of the relative with whom the child is residing
- to be used and disclosed in the manner set out in subsection (3), and
- (c) the parent of the child and the relative with whom the child resides attend in person on the date, and at the ministry office, specified by the minister.
- (3) The written authorization referred to in subsection (2) (b) must permit the minister, in order to make a determination referred to in section 6 (2.1) (e), to use and disclose information about a person referred to in subsection (2) (b) (i) or (ii) in conducting a criminal record check of the person and in reviewing whether the person has had any prior contact with a director, as defined in section 1 of the *Child, Family and Community Service Act*, or a delegate of the director.  
(B.C. Reg. 400/2007)

### Division 4 – Effect on Eligibility of Convictions or Admissions

35

#### Criminal Code convictions

- 35** For the purposes of section 15 (5) (b) of the Act [*consequences for conviction, acknowledgement or judgment*] of the Act, assistance provided for a calendar month to or for a family unit that includes one or more persons who have been convicted under the *Criminal Code* in relation to obtaining money under the Act or the *Employment and Assistance for Persons with Disabilities Act* by fraud or false or misleading representation must be reduced
- (a) if the family unit includes a sole applicant, or sole recipient, who has been convicted as described, and one or more dependent children, by \$100,
  - (b) if the family unit includes two applicants or recipients, only one of whom has been convicted as described, and no dependent children, by \$300,
  - (c) if the family unit includes two applicants or recipients, only one of whom has been convicted as described, and one or more dependent children, by \$100, and
  - (d) if the family unit includes two applicants or recipients both of whom have been convicted as described, and one or more dependent children, by \$200.

36

#### Convictions under the Act or the *Employment and Assistance for Persons with Disabilities Act*

- 36** For the purposes of section 15 (5) (b) [*consequences for conviction, acknowledgement or judgment*] of the Act, assistance provided for a calendar month to or for a family unit

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that includes one or more persons who have been convicted of an offence under the Act or the *Employment and Assistance for Persons with Disabilities Act* must be reduced for the applicable period,

- (a) if the family unit includes a sole applicant, or a sole recipient, who has been convicted as described and one or more dependent children, by \$100,
- (b) if the family unit includes two applicants or recipients, only one of whom has been convicted as described, and no dependent children, by \$300,
- (c) if the family unit includes two applicants or recipients, only one of whom has been convicted as described, and one or more dependent children, by \$100, and
- (d) if the family unit includes two applicants or recipients both of whom have been convicted as described, and one or more dependent children, by \$200.

37

### Declaration under section 15 (3) of the Act respecting acknowledgement or judgment

**37** If the minister has made a declaration under section 15 (3) [*consequences for conviction, acknowledgement or judgment*] of the Act in respect of a family unit, for the purposes of section 15 (5) of the Act, the family unit's assistance for a calendar month must be discontinued or reduced as follows for the period specified:

- (a) if the family unit includes only one or more applicants, or recipients, who have had judgment given against them, and includes no dependent children, the family unit is not eligible for income assistance,
  - (i) after a first judgment, for 3 calendar months,
  - (ii) after a second judgment, for 6 calendar months, and
  - (iii) after a third or subsequent judgment, for 12 calendar months;
- (b) if the family unit includes a sole applicant or sole recipient who has had a judgment given against him or her, and includes one or more dependent children, the assistance provided to or for the family unit must be reduced by \$100
  - (i) after a first judgment, for 3 calendar months,
  - (ii) after a second judgment, for 6 calendar months, and
  - (iii) after a third or subsequent judgment, for 12 calendar months;
- (c) if the family unit includes two applicants or recipients, only one of whom has had judgment given against him or her, and includes no dependent children, the assistance provided to or for the family unit must be reduced by \$300
  - (i) after a first judgment, for 3 calendar months,
  - (ii) after a second judgment, for 6 calendar months, and
  - (iii) after a third or subsequent judgment, for 12 calendar months;

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(d) if the family unit includes two applicants or recipients, only one of whom has had judgment given against him or her, and includes one or more dependent children, the assistance provided to or for the family unit must be reduced by \$100

(i) after a first judgment, for 3 calendar months,

(ii) after a second judgment, for 6 calendar months, and

(iii) after a third or subsequent judgment, for 12 calendar months;

(e) if the family unit includes two applicants or recipients, both of whom have had judgment given against them, and includes one or more dependent children, the assistance provided to or for the family unit must be reduced by \$200

(i) after a first judgment, for 3 calendar months,

(ii) after a second judgment, for 6 calendar months, and

(iii) after a third or subsequent judgment, for 12 calendar months.

(BC Reg. 193/2006)

38

### Consequences for conviction, acknowledgment, etc. under a former Act

38 (1) For the purposes of this section,

(a) “**benefit month**” means a month for which, but for this section or a declaration under this section, a family unit would otherwise be eligible for income assistance or a supplement, and

(b) the 3 benefit months referred to in subsections (2) and (3) need not be consecutive.

(2) The family unit of an applicant or recipient is not eligible for income assistance or supplements for 3 benefit months if the applicant or recipient

(a) was convicted of an offence under section 22 (1) of the *BC Benefits (Income Assistance) Act*, section 11 (1) of the *Disability Benefits Program Act* or section 13 (1) of the *BC Benefits (Youth Works) Act*, as those provisions read immediately before their repeal, or

(b) was convicted of an offence under the *Criminal Code* in relation to obtaining, by fraud or false or misleading representations, money under a former Act or the *Disability Benefits Program Act*.

(3) The minister may declare a family unit ineligible for income assistance or supplements for 3 benefit months if a court gives judgment in favour of the government in an action for debt against an applicant or a recipient in the family unit for money obtained under a former Act or the *Disability Benefits Program Act*

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to which he or she was not entitled, unless the money was paid in error. (BC Reg. 193/2006)

- (4) No family unit is, or may be declared, ineligible under this section on the basis of a conviction secured, or a judgment given before March 13, 1997. (BC Reg. 193/2006)

## Part 4 – Hardship Assistance

39

### Hardship assistance - eligibility and limitations

- 39 (1) For a family unit to be eligible for hardship assistance, the family unit
- (a) must be ineligible for income assistance for one or more reasons set out in sections 41 to 47.1, and (B.C. Reg. 102/2008)
  - (b) must not be ineligible for income assistance for any other reason. (B.C. Reg. 161/2004)
- (2) A family unit that is eligible for hardship assistance must be provided with hardship assistance
- (a) in accordance with Schedule D,
  - (b) only for the calendar month that includes the date of the applicant's submission of the application for income assistance (part 2) form, and (B.C. Reg. 304/2005)
  - (c) subject to section 4 (2) of Schedule D, only from the date in that calendar month on which the minister determines that the family unit is eligible for hardship assistance. (B.C. Reg. 161/2004)
- (3) A family unit to which hardship assistance has been provided for 3 consecutive calendar months because of the circumstances described in
- (a) section 41, 44 or 46, or
  - (b) section 43, unless the source is employment insurance,
- is not eligible for hardship assistance under any of those sections for the 3 consecutive calendar months immediately following those 3 consecutive calendar months of receipt. (B.C. Reg. 161/2004)

40

### Rules about applications, payments, etc.

- 40 Subject to this Part, the following sections apply in respect of hardship assistance:
- (a ) section 4 [*application and applicant orientation requirements*];
  - (a.1) section 4.1 [*application for income assistance – stage 1*];
  - (a.2) section 4.2 [*application for income assistance – stage 2*]; (B.C. Reg. 313/2007)
  - (b) section 5 [*applicant requirements*];
  - (c) section 7 [*citizenship requirements*];
  - (d) section 8 [*effect of applying for other sources of income*];
  - (e) section 9 [*requirement to apply for CPP benefits*];
  - (f) section 10 [*limits on income*];
  - (g) section 11 [*asset limits*].

41

## **Applicants who do not meet requirement for social insurance number or proof of identity**

- 41 The minister may provide hardship assistance to a family unit that is not eligible for income assistance because of the failure to provide a social insurance number or proof of identity required under section 4.1 (2) (a) (i) or 4.2 (3) (a) [*application and applicant orientation requirements*] if (B.C. Reg. 313/2007)
- (a) the minister considers that undue hardship will otherwise occur, and
  - (b) the minister is satisfied that the applicant is making every effort to supply the social insurance number or proof of identity.

42 Repealed (B.C. Reg. 69/2008)

42.1

## **Applicants who fail to provide sponsorship information**

- 42.1 The minister may provide hardship assistance to the family unit of an applicant described in section 7 (1) (a) or (b) [*citizenship requirements*] that is not eligible for income assistance because of the failure to provide the information and verifications required under section 4.2 (3) (c) [*application requirements*] for the minister to determine whether unearned income described in paragraph (v) of the definition in section 1 (1) of “unearned income” is available to the family unit, if (B.C. Reg. 313/2007)
- (a) the minister considers that undue hardship will otherwise occur, and
  - (b) the minister is satisfied that the applicant is making every effort to supply the information and verifications. (B.C Reg. 161/2004)

43

## **Applicants who have applied for income from another source**

- 43 The minister may provide hardship assistance to a family unit that is not eligible for income assistance because an applicant has applied for income from another source if
- (a) the minister considers that undue hardship will otherwise occur, and
  - (b) the applicant provides the type of security specified by the minister for the repayment of the hardship assistance.

44

## **Family units that have excess income**

- 44 The minister may provide hardship assistance to a family unit that is not eligible for income assistance because the income of the family unit exceeds the limit under section 10 [*limits on income*] if
- (a) the minister considers that undue hardship will otherwise occur,
  - (b) the applicant provides the type of security specified by the minister for the

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- repayment of the hardship assistance,
- (c) the family unit includes one or more dependent children, and
- (d) the income that causes the family unit to be ineligible for income assistance could not, in the minister's opinion, reasonably be expected to be used to meet the family unit's basic needs.

45

### **Applicant on strike or locked out**

- 45 The minister may provide hardship assistance to a family unit that is not eligible for income assistance because an applicant is on strike or locked out if
- (a) the minister considers that undue hardship will otherwise occur,
  - (b) the applicant provides the type of security specified by the minister for the repayment of the hardship assistance, and
  - (c) the applicant satisfies the minister that the financial assistance that the applicant who is on strike or locked out is eligible for from his or her trade union, combined with the other resources of the family unit, is inadequate to meet the basic needs of the family unit.

46

### **Family units that have excess assets**

- 46 The minister may provide hardship assistance to a family unit that is not eligible for income assistance because the assets of the family unit exceed the applicable limit under section 11 (2) [*asset limits*] if
- (a) the minister considers that undue hardship will otherwise occur,
  - (b) the applicant provides the type of security specified by the minister for the repayment of the hardship assistance,
  - (c) the applicant satisfies the minister that
    - (i) the assets that caused the family unit to be ineligible are not immediately available to meet the family unit's basic needs, and
    - (ii) every effort has been made and continues to be made to sell the assets, and
  - (d) the family unit
    - (i) includes one or more dependent children, or

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- (ii) includes only persons who have reached 65 years of age or persons who have persistent multiple barriers to employment.

47

### Family units ineligible or declared ineligible under section 38

#### *[consequences for conviction, acknowledgment, etc. under a former Act]*

- 47 The minister may provide hardship assistance to a family unit that is ineligible or declared ineligible under section 38 *[consequences for conviction, acknowledgment, etc. under a former Act]* if
- (a) the family unit includes one or more dependent children,
  - (b) the minister considers that undue hardship will otherwise occur, and
  - (c) the applicant provides the type of security specified by the minister for the repayment of the hardship assistance.

47.1

### Family units ineligible or declared ineligible in relation to convictions or judgments

- 47.1 (1) In the circumstances described in subsection (2), the minister may provide hardship assistance to a family unit that under section 15 (5) (a) *[consequences for conviction or judgment in relation to Act]* of the Act is not eligible for income assistance because it includes only
- (a) persons convicted of an offence under the *Criminal Code*, this Act or the *Employment and Assistance for Persons with Disabilities Act* in relation to obtaining money under this Act or the *Employment and Assistance for Persons with Disabilities Act* by fraud or false or misleading representation,
  - (b) persons convicted of an offence under this Act or the *Employment and Assistance for Persons with Disabilities Act*, or
  - (c) persons in respect of whom
    - (i) a court has given judgment in favour of the government in an action for debt for obtaining income assistance, hardship assistance or a supplement under this Act or disability assistance, hardship assistance or a supplement under the *Employment and Assistance for Persons with Disabilities Act*, for which he or she was not eligible, and
    - (ii) the minister has made a declaration under section 15 (3) of the Act.
- (2) The minister may provide hardship assistance to a family unit described in subsection (1) if the minister considers that otherwise
- (a) the family unit will experience undue hardship, and
  - (b) the physical health of a person in the family unit will be in imminent danger.

(B.C. Reg. 102/2008)

## Part 5 – Supplements

### Division 1 – Supplements – Family Unit Eligible for Income Assistance

48

#### Supplement for purchase of co-op housing shares

- 48 (1) To enable the family unit of a recipient of income assistance to obtain residential accommodation, the minister may provide a lump sum to or for the family unit for the purchase of membership shares in a cooperative housing association.
- (2) A lump sum may be paid under subsection (1) only if
- (a) the family unit has received income assistance or disability assistance for at least the 3 previous calendar months, and
  - (b) the recipient agrees in writing to repay the lump sum.
- (3) The amount of the lump sum under subsection (1) is limited to the smaller of the following:
- (a) \$850;
  - (b) 50% of the cost of the membership shares.
- (4) For the purposes of subsection (2),
- “**disability assistance**” includes a disability allowance under the *Disability Benefits Program Act* as it read immediately before its repeal;
- “**income assistance**” includes
- (a) income assistance under the *BC Benefits (Income Assistance) Act* as it read immediately before its repeal, and
  - (b) a youth allowance under the *BC Benefits (Youth Works) Act* as it read immediately before its repeal.

48.1

#### Pre-natal shelter supplement

- 48.1 (1) The minister may provide a pre-natal shelter supplement in accordance with section 4 (6) of Schedule A if the supplement is provided to a sole recipient without dependants who is a recipient of income assistance under section 2 [monthly support allowance], 4 [monthly shelter allowance] or 6 [people receiving room and board] of Schedule A.
- (2) The sole recipient is eligible to receive the pre-natal shelter supplement while she is pregnant, as confirmed in writing by a medical practitioner or a registrant of the College of Midwives of British Columbia.

(B.C. Reg. 88/2008)

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49

## Christmas supplement

- 49 (1) The minister may provide an annual Christmas supplement to or for a family unit that is eligible for income assistance, other than income assistance under section 10 or 11 of Schedule A.
- (2) The minister may specify
- (a) the amount to be provided as a Christmas supplement which may be different for different categories of family units, and
  - (b) the time when the supplement is to be provided.

50

## School start-up supplement

- 50 (1) The minister may provide an annual school start-up supplement to or for a family unit that is eligible for income assistance if
- (a) the family unit includes a dependent child who is attending school full time, or
  - (b) the family unit is a child in the home of a relative who is attending school full time.
- (2) The minister may specify
- (a) the amount to be provided as a school start-up supplement, which may be different for different age groups of children, and
  - (b) the time when the supplement is to be provided.

51

## Travel supplement

- 51 Repealed. (B.C. Reg. 192/2006)

52

## Community volunteer supplement

- 52 (1) The minister may provide to or for a family unit that is eligible for income assistance a supplement of up to \$100 for each calendar month for each recipient or dependent child who
- (a) has reached 15 years of age, and
  - (b) is a person referred to in section 29 (4) (b), (e), (f), (h) (iii) or (v) or (i) for clothing, transportation or other expenses that are needed for that recipient or dependent child to participate in a community volunteer program.
- (2) Subsection (1) does not apply for a calendar month in which the minister provides the family unit with a supplement under section 56 (2) for the use or benefit of that recipient or dependent child.

(B.C. Reg. 47/2008)

53

## Clothing supplement for people in special care facilities

- 53 The minister may provide a supplement to or for a family unit that is eligible for income assistance for the purchase of necessary clothing for a recipient in the family unit who resides in a special care facility, except an alcohol and drug treatment centre, if
- (a) clothing is not provided in the facility,
  - (b) there are no funds available from the recipient's comforts allowance to purchase the clothing, and
  - (c) there are no resources available to the recipient's family unit to pay for the clothing.

53.1

## Transportation to special care facilities supplement

- 53.1 (1) Subject to subsection (2), the minister may provide a supplement to a recipient who is eligible for income assistance for transportation to a special care facility that is an alcohol or drug treatment centre.
- (2) A supplement may be provided under this section only
- (a) if the recipient receives the minister's approval before incurring the transportation costs,
  - (b) if there are no resources available to the recipient's family unit to cover the transportation costs, and
  - (c) for the least expensive appropriate mode of transportation.

(B.C. Reg. 57/2007)

54

## Reconsideration or appeal supplement

- 54 (1) For the purposes of this section a reconsideration or appeal is determined when
- (a) a decision of the minister or a decision of the tribunal has been made in the reconsideration or appeal, if the decision can be implemented without a further decision as to amount, or
  - (b) if a decision of the tribunal requires a further decision of the minister as to amount, the decision of the minister as to amount has been made.
- (2) The minister may provide a supplement to or for a family unit that is eligible for income assistance if a recipient in the family unit delivers a request for a reconsideration under section 79 [*how a request to reconsider a decision is made*] or an appeal form under section 84 [*commencing an appeal*] in respect of a decision that resulted in a discontinuation or reduction of income assistance or a

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supplement but only if the recipient agrees in writing to repay the amount of the supplement paid under this section.

- (3) A supplement under this section may be provided for the shorter of
  - (a) the period between the date a request or appeal form is delivered and the date that the reconsideration or appeal is determined, and
  - (b) the period between the date the income assistance or supplement was reduced or discontinued and the date that the reconsideration or appeal is determined.
- (4) A supplement under this section is limited to the following amounts:
  - (a) if the request for a reconsideration or the appeal form is in respect of a decision that resulted in a discontinuation of income assistance or a supplement, the amount of the discontinued income assistance or supplement;
  - (b) if the request for a reconsideration or the appeal form is in respect of a decision that resulted in a reduction of income assistance or a supplement, the amount by which the income assistance or supplement was reduced.
- (5) If the determination of a reconsideration or appeal that rescinds the decision being reconsidered or appealed did not require a further decision of the minister as to amount, the amount of a supplement provided under this section is not repayable and must be considered to have been paid in place of
  - (a) the discontinued income assistance or supplement, or
  - (b) the amount by which the income assistance or supplement was reduced.
- (6) If the determination of a reconsideration or appeal that rescinds the decision being reconsidered or appealed required a further decision of the minister as to amount, the recipient must repay the difference between
  - (a) the total amount paid to the recipient under this section for the period under subsection (3), and
  - (b) the total amount of any adjustment in favour of the recipient under the determination for the same period.

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## Division 2 – Supplements – Family Unit Eligible for Hardship Assistance

55

### Supplement to obtain proof of identity

- 55 The minister may provide a supplement to or for a family unit that is eligible for hardship assistance to cover the cost of obtaining proof of the identity of a person in the family unit that is required for the family unit to be eligible for income assistance.

## Division 3 – Supplements – Family Unit Eligible for Income Assistance or Hardship Assistance

56

### Supplements related to employment plan

- 56 (1) The minister may provide any of the following supplements to or for a family unit that is eligible for income assistance or hardship assistance to assist an applicant, a recipient or a dependent youth in the family unit to participate, in accordance with an employment plan, in an employment-related program:
- (a) up to \$100 for each calendar month to assist with transportation and attendance costs associated with participating in the employment-related program;
  - (b) the costs of tuition, books and supplies required to participate in the employment-related program;
  - (c) up to \$200 for the cost of safety clothing required to participate in the employment-related program if the employment-related program is a workplace training or work experience program.
- (2) The minister may provide a supplement to or for a family unit that is eligible for income assistance or hardship assistance of up to \$100 for each calendar month to assist an applicant, a recipient or a dependent youth in the family unit to participate, in accordance with an employment plan, in a volunteer incentive program as preparation for employment.
- (3) Only 6 monthly payments may be made under subsection (2) to or for a family unit in respect of an applicant, recipient or dependent youth over any period of 36 consecutive calendar months, beginning with the calendar month for which the family unit first received the supplement on account of the applicant, recipient or dependent youth, unless the minister authorizes up to 6 more monthly payments.

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## 56.1

### Confirmed job supplement

- 56.1 The minister may provide a supplement of up to a maximum of \$1 000 to or for a family unit that is eligible for income assistance or hardship assistance if
- (a) a recipient in the family unit obtains confirmed employment that, in the opinion of the minister, will enable the family unit to become independent of income assistance or hardship assistance,
  - (b) in the opinion of the minister, the recipient requires transportation, clothing, tools or other employment-related items in order to commence the employment, and
  - (c) there are no resources available to the family unit to cover the cost.
- (B.C. Reg. 312/2002)

## 57

### Supplements for moving, transportation and living costs

- 57 (1) In this section:
- “**living cost**” means the cost of accommodation and meals;
  - “**moving cost**” means the cost of moving a family unit and its personal effects from one place to another;
  - “**transportation cost**” means the cost of travelling from one place to another.
- (2) Subject to subsections (3) and (4), the minister may provide a supplement to or for a family unit that is eligible for income assistance, other than as a transient under section 10 of Schedule A, or hardship assistance to assist with one or more of the following:
- (a) moving costs required to move anywhere in Canada, if a recipient in the family unit is not working but has arranged confirmed employment that would significantly promote the financial independence of the family unit and the recipient is required to move to begin that employment;
  - (b) moving costs required to move to another province or country, if the family unit is required to move to improve its living circumstances;
  - (c) moving costs required to move within a municipality or unincorporated area or to an adjacent municipality or unincorporated area because the family unit's rented residential accommodation is being sold or demolished and notice to vacate has been given, or has been condemned;
  - (d) moving costs required to move within a municipality or unincorporated area or to an adjacent municipality or unincorporated area if the family unit's shelter costs would be significantly reduced as a result of the move;
  - (e) moving costs required to move to another area in British Columbia to avoid an imminent threat to the physical safety of any person in the family unit;
  - (f) transportation costs and living costs required to attend a hearing relating to a child protection proceeding under the *Child, Family and Community Service Act*, if a recipient is given notice of the hearing and is a party to the

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proceeding.

- (h) transportation costs, living costs, child care costs and fees resulting from
  - (i) the required attendance of a recipient in the family unit at a hearing, or
  - (ii) other requirements a recipient in the family unit must fulfilin connection with the exercise of a maintenance right assigned to the minister under section 20 [*categories that must assign maintenance rights*]. (B.C. Reg. 275/2004)
- (3) A family unit is eligible for a supplement under this section only if
  - (a) there are no resources available to the family unit to cover the costs for which the supplement may be provided, and
  - (b) a recipient in the family unit receives the minister's approval before incurring those costs.
- (4) A supplement may be provided under this section only to assist with
  - (a) the cost of the least expensive appropriate mode of moving or transportation, and
  - (b) in the case of a supplement under subsection (1) (f) or (g), the least expensive appropriate living costs. (B.C. Reg. 275/2004)

58

### Supplement to pay a security deposit

58 (1) In this section:

“**cooperative association**” means a cooperative association as defined in the *Real Estate Development Marketing Act*; (B.C. Reg. 518/2004)

“**security deposit**” means a security deposit as defined in the *Residential Tenancy Act*, or an amount required by a cooperative association to be paid by a recipient to the cooperative association for the same or a similar purpose as a security deposit under the *Residential Tenancy Act*. (B.C. Reg. 518/2004)

- (2) The minister may provide a security deposit to or for a family unit that is eligible for income assistance or hardship assistance if
  - (a) the security deposit is necessary to enable the family unit to rent residential accommodation,
  - (b) the recipient agrees in writing to repay the amount paid under this section, and
  - (c) the security deposit does not exceed 50% of one month's rent for the residential accommodation.
- (3) The minister may recover the amount of a security deposit provided under subsection (2) by deducting \$20 for each calendar month, or a greater amount with the consent of a recipient, from income assistance or hardship assistance provided to or for the family unit starting with the income assistance or hardship

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assistance provided for the calendar month following the calendar month during which the security deposit is paid.

- (4) The minister must not provide more than 2 security deposits to or for a family unit unless
  - (a) only one of the security deposits has not been recovered or repaid,
  - (b) the family unit requires up to one more security deposit to change rented residential accommodation
    - (i) because the recipient is separating from an abusive spouse, or
    - (ii) because the family unit's rented residential accommodation
      - (A) is being sold or demolished and a notice to vacate has been given, or
      - (B) has been condemned, or
  - (c) the minister is satisfied that the family unit is homeless or at imminent risk of becoming homeless. (B.C. Reg. 315/2008)
- (5) For the purposes of subsection (3), **"security deposit"** includes a security deposit provided on or after April 1, 2002 under the
  - (a) Income Assistance Regulation, B.C. Reg. 75/97,
  - (b) Youth Works Regulation, B.C. Reg. 77/97,
  - (c) Disability Benefits Program Regulation, B.C. Reg. 79/97, or
  - (d) Employment and Assistance for Persons with Disabilities Regulation.

### 58.1

#### Supplement to pay a utility security deposit

- 58.1** (1) In this section, **"utility security deposit"** means an amount required by a utility provider of electricity or natural gas services to secure payment for the provision of residential electricity or natural gas services to a family unit.
- (2) The minister may provide a utility security deposit to or for a family unit that is eligible for income assistance or hardship assistance, in an amount not to exceed the minimum amount required by a utility provider from a recipient, if
  - (a) the utility security deposit is necessary to enable the family unit to obtain or continue to obtain the services of the utility, and
  - (b) the recipient agrees in writing to repay the amount paid under this section.
- (3) The minister may recover the amount of a utility security deposit provided under subsection (2) by deducting \$20 for each calendar month, or a greater amount with the consent of a recipient, from income assistance or hardship assistance provided to or for the family unit starting with the income assistance or hardship assistance provided for the calendar month following the calendar month during which the utility security deposit is paid. (B.C. Reg. 312/2006)

59

### Crisis supplement

- 59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income assistance or hardship assistance if
- (a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and
  - (b) the minister considers that failure to meet the expense or obtain the item will result in
    - (i) imminent danger to the physical health of any person in the family unit, or
    - (ii) removal of a child under the *Child, Family and Community Service Act*.
- (2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.
- (3) A crisis supplement may not be provided for the purpose of obtaining
- (a) a supplement described in Schedule C, or
  - (b) any other health care goods or services.
- (4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:
- (a) if for food, the maximum amount that may be provided in a calendar month is \$20 for each person in the family unit,
  - (b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of
    - (i) the family unit's actual shelter cost, and
    - (ii) the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit, and
  - (c) if for clothing, the amount that may be provided must not exceed the smaller of
    - (i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and
    - (ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.
- (5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).
- (6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of income assistance or hardship assistance that may be

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provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.

- (7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:
- (a) fuel for heating;
  - (b) fuel for cooking meals;
  - (c) water;
  - (d) hydro.

(B.C. Reg. 12/2003)

**60**

### **Advance for lost or stolen family bonus cheque**

- 60** (1) The minister may provide a supplement to or for a family unit that is eligible for income assistance or hardship assistance as an advance for a lost or stolen family bonus cheque if
- (a) the minister is satisfied that an unendorsed child benefits cheque, the payee of which is a person in the family unit, has been lost or stolen,
  - (b) the minister considers that the advance is immediately needed for basic needs of food, clothing or shelter,
  - (c) the minister is satisfied that any steps necessary for replacing the cheque have been or will be taken, and
  - (d) a recipient in the family unit does either or both of the following:
    - (i) agrees in writing to repay the advance;
    - (ii) authorizes deduction of the amount of the advance from subsequent payments of assistance.
- (2) The amount that may be advanced under subsection (1) is all or part of the amount of the lost or stolen child benefits cheque that is attributed to family bonus.
- (3) No amount may be advanced under this section to a recipient in respect a family bonus for a child in the home of a relative.

**61**

### **Advance for delayed or suspended family bonus**

- 61** (1) The minister may provide a supplement to or for a family unit that is eligible for income assistance or hardship assistance as an advance for delayed or suspended family bonus if
- (a) payment of the BC basic family bonus to a person in the family unit is delayed, cancelled or suspended under the *Income Tax Act* (Canada) or the *Income Tax Act* (B.C.) for any reason other than that
    - (i) the person refuses to apply for the family bonus,

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- (ii) the person refuses to provide information necessary to determine eligibility for family bonus, or
    - (iii) the person refuses to accept the family bonus, and
  - (b) the minister considers that the advance is immediately needed for basic needs of food, clothing or shelter.
- (2) Subject to subsection (3), the amount that may be advanced as a supplement under subsection (1) is not more than \$123.50 for each dependent child in the family unit for whom a person in the family unit appears to be entitled to the BC basic family bonus. (B.C. Reg. 286/2033)
- (3) The amount determined under subsection (2) is reduced by the amount of the national child benefit supplement received for the calendar month preceding the calendar month for which the advance is paid for each child referred to in that subsection.
- (4) Before advancing any amount to a recipient, the minister may require that the recipient agree in writing to repay the amount advanced minus
- (a) any amount a recipient in the family unit is eligible for under section 2 (2) (b) of Schedule A or section 2 (2) (b) of Schedule D in respect of the delayed or suspended BC basic family bonus, and
  - (b) any amount deducted under section 10 of Schedule B or section 2 (3) or (7) of Schedule D in respect of the advance.
- (5) No amount may be advanced to a family unit in respect of a family bonus for a child in the home of a relative.

**62**

### Guide animal supplement

- 62** The minister may provide a supplement of \$95 for each calendar month to or for a family unit that is eligible for income assistance or hardship assistance for the maintenance of a guide animal if the guide animal is
- (a) certified under the *Guide Animal Act*, and
  - (b) used by a person in the family unit.

(B.C. Reg. 59/2007)

**63**

### Canada Pension Plan adjustment supplement

- 63** Repealed. (B.C. Reg. 52/2005)

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## Division 4 – Supplements – Persons who Demonstrate Eligibility

64

### Provincial senior's supplement

- 64 (1) The minister may provide a Provincial senior's supplement to a family unit for any of the following:
- (a) a person who receives the federal guaranteed income supplement,
  - (i) both spouses of a couple if one spouse receives the federal guaranteed income supplement and the other spouse receives the federal spouse's allowance.
- (2) A family unit becomes eligible for a Provincial senior's supplement on the first day of the calendar month following the calendar month in which a person referred to in subsection (1) became eligible for the federal guaranteed income supplement.
- (3) If the first payment of the Provincial senior's supplement is made after the date on which the family unit became eligible for it under subsection (2), the family unit is eligible to receive payments for the period before that date only for the shorter of the following periods:
- (a) the period since the date the person became eligible;
  - (b) 12 calendar months.

65

### Burial or cremation supplements

- 65 (1) In this section, "**funeral costs**" mean the costs of
- (a) transporting a deceased person's body within British Columbia for purposes of an activity described in paragraphs (b) to (d),
  - (b) preparing a deceased person's body for burial or cremation,
  - (c) using the facilities of a funeral provider, as defined in the *Cremation, Interment and Funeral Services Act*, or
  - (d) cremation or interment of a deceased person's body or remains, including the cost of a casket or urn.
- (2) If neither the estate nor the spouse, nor, in the case of a minor, a parent, of a deceased person has the resources available to pay any of the following costs when payable, the minister may provide a supplement for those costs in the circumstances specified:
- (a) necessary funeral costs, if
    - (i) the person died in British Columbia, and
    - (ii) the burial or cremation is to take place or has taken place in British Columbia;
  - (b) necessary funeral costs and, with the prior approval of the minister, the necessary costs of preparing the deceased person's body for transport to

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- British Columbia and of transporting the body to British Columbia, if
- (i) the person died in Canada but outside British Columbia,
  - (ii) immediately before the death, the deceased person was a recipient of income assistance, disability assistance or hardship assistance, and
  - (iii) the burial or cremation is to take place or has taken place in British Columbia;
- (c) with the prior approval of the minister, the necessary costs of transporting the deceased person's body within the province or territory in which the death occurred and necessary funeral costs, if
- (i) the person died in Canada but outside of British Columbia,
  - (ii) immediately before the death, the deceased person was a recipient of income assistance, disability assistance or hardship assistance, and
  - (iii) the burial or cremation is to take place in the province or territory in which the death occurred;
- (d) necessary funeral costs, if
- (i) the person died outside British Columbia, or in the case of a recipient of income assistance, disability assistance or hardship assistance, died outside of Canada
  - (ii) immediately before the death, the person was ordinarily resident in British Columbia, and
  - (iii) the burial or cremation is to take place or has taken place in British Columbia.
- (3) For the purposes of subsection (2), funeral costs, costs of preparing a body for transport and transportation costs are necessary if the minister determines that
- (a) the item or activity in relation to which a supplement is requested is a necessary item or activity,
  - (b) the item or activity is or was appropriate, and
  - (c) the cost for that item or activity is the lowest available.
- (4) The amount of a supplement paid under this section is a debt due to the government and may be recovered by it from the deceased's estate.

(B.C. Reg. 313/2007)

66

### Bus pass supplement

- 66 (1) The minister may provide a supplement to or for a family unit, other than the family unit of a recipient of disability assistance, that contributes \$45 to the cost, to provide an annual pass for the personal use of a person in the family unit who
- (a) receives the federal spouse's allowance or federal guaranteed income

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supplement,

- (b) is 60 or more years of age and receives income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*] or 9 [*people in emergency shelters*] of Schedule A, or
  - (c) is 65 years of age or more and meets all of the eligibility requirements for the federal guaranteed income supplement except the 10 year residency requirement.
- (2) In this section, “**annual pass**” means an annual pass to use a public passenger transportation system in a transit service area established under section 25 of the *British Columbia Transit Act*.

### Division 5 – Health Supplements

67

#### General health supplements

- 67 (1) The minister may provide any health supplement set out in section 2 [*general health supplements*] or 3 [*medical equipment and devices*] of Schedule C to or for a family unit if the health supplement is provided to or for a person in the family unit who (B.C. Reg. 89/2005)
- (a) is a recipient of income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*] or 9 [*people in emergency shelters*] of Schedule A if
    - (i) any person in the family unit is a person who has persistent multiple barriers to employment, and
    - (ii) the recipient does not receive a federal spouse’s allowance or guaranteed income supplement benefits,
    - (iii) Repealed  
(B.C. Reg. 57/2007)
  - (b) is a recipient of income assistance under section 8 [*people receiving special care*] of Schedule A, (B.C. Reg. 89/2005)
  - (c) is a dependant of a person referred to in
    - (i) paragraph (b), (B.C. Reg. 89/2005)
    - (ii) paragraph (f), if the dependant was a dependant of the person on the day the person reached 65 years of age and remains a dependant of that person, or (B.C. Reg. 89/2005)
    - (iii) paragraph (g) or (h), if the dependant was a dependant of the person on the day the person’s family unit ceased to be eligible for income assistance as a result of

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- (A) a payment made to the person or another member of the person's family unit under the settlement agreement approved by the Supreme Court in Action No. S50808, Kelowna Registry, or
- (B) an award of compensation under the *Criminal Injury Compensation Act* or an award of benefits under the *Crime Victim Assistance Act* made to the person or another member of the person's family unit,  
and remains a dependant of that person, (B.C. Reg. 170/2008)
- (d) is a child in the home of a relative, if equivalent payment for the services is not available through the child's parents, (B.C. Reg. 89/2005)
- (e) is a dependent child of a recipient of income assistance or hardship assistance, (B.C. Reg. 89/2005)
- (f) was on the day the person reached 65 years of age
  - (i) a recipient of income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*], 8 [*people receiving special care*] or 9 [*people in emergency shelters*] of Schedule A, and
  - (ii) eligible for health supplements under section 2 [*general health supplement*] or 3 [*medical equipment and devices*] of Schedule C, (B.C. Reg. 89/2005)
- (g) meets the following requirements:
  - (i) has not reached 65 years of age;
  - (ii) is a part of a family unit that ceased to be eligible for income assistance as a result of a payment made to the person or another member of the person's family unit under the settlement agreement approved by the Supreme Court in Action No. S50808, Kelowna Registry;
  - (iii) was eligible for health supplements under section 2 or 3 of Schedule C on the day the person's family unit ceased to be eligible for income assistance. (B.C. Reg. 89/2005)
- (h) meets the following requirements:
  - (i) is part of a family unit that ceased to be eligible for income assistance as a result of an award of compensation under the *Criminal Injury Compensation Act* or an award of benefits under the *Crime Victim Assistance Act* made to the person or another member of the person's family unit;
  - (ii) was eligible for health supplements under section 2 or 3 of Schedule C on the day the person's family unit ceased to be eligible for income assistance. (B.C. Reg. 170/2008)

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(2) Subject to subsection (3), the minister may provide any health supplement set out

## Employment And Assistance Regulation

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in section 2 [*general health supplements*] or 3 [*medical equipment and devices*] of Schedule C to or for a family unit if the health supplement is provided to or for a recipient in the family unit who

- (a) has received income assistance under the *BC Benefits (Income Assistance) Act* or the Act continuously from March 31, 1997 and on March 30, 1997, was eligible under section 37 (1) (a) of the *BC Benefits (Income Assistance) Regulations*, B.C. Reg. 272/96, as it read on March 30, 1997, for the health care services and benefits referred to in that provision, or
  - (b) is a dependant of a recipient referred to in paragraph (a).
- (3) Subsection (2) applies only until the earlier of the following dates:
- (a) the date the recipient ceases to receive income assistance;
  - (b) the first day of the calendar month after the minister makes a determination that the recipient, or any dependant of the recipient other than a dependent child, is capable of accepting employment.
- (4) A person referred to in subsection (1) (c) (ii) or (iii), (f), (g) or (h) ceases to be eligible for any supplement under this division if the person's family unit takes up residence outside British Columbia. (B.C. Reg. 89/2005) (B.C. Reg. 170/2008)

### Optical supplements

- 67.1 (1) The minister may provide any health supplement set out in section 2.1 [*optical supplements*] of Schedule C to or for a family unit if the supplement is provided to or for a person in the family unit who is
- (a) a recipient of income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*], 8 [*people receiving special care*] or 9 [*people in emergency shelters*] of Schedule A,
  - (b) a recipient of hardship assistance, other than under section 42 [*applicants who do not meet citizenship requirements*],
  - (c) a dependent child of a recipient referred to in paragraph (a) or (b),
  - (d) a child in the home of a relative, if equivalent payment for the services is not available through the child's parents,
  - (e) a person who was a recipient of income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*], 8 [*people receiving special care*] or 9 [*people in emergency shelters*] of Schedule A on the day he or she reached 65 years of age and was eligible for supplements under section 2 [*general health supplements*] or 3 [*medical equipment and devices*] of Schedule C on that day,
  - (f) a dependant of a person referred to in paragraph (e), if the dependant was a dependant of the person on the day the person reached 65 years of age and remains a dependant of that person, or
  - (g) a person referred to in Section 67 (1) (h). (B.C. Reg. 170/2008)
- (2) A person referred to in subsection (1) (e) or (f) ceases to be eligible for any health supplement under this section if the person's family unit takes up residence outside British Columbia. (B.C. Reg. 236/2003)

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## Eye examination supplements

- 67.2** (1) Subject to the limits set in this section, the minister may provide a health supplement under section 2.2 [*eye examination supplements*] of Schedule C to or for a family unit if the supplement is provided to or for a person in the family unit who is
- (a) a recipient of income assistance,
  - (b) a recipient of hardship assistance, other than under section 42 [applicants who do not meet citizenship requirements], or
  - (c) a person referred to in Section 67 (1) (h). (B.C. Reg. 170/2008)
- (2) A person referred to in subsection (1) is not eligible for more than one health supplement under section 2.2 of Schedule C in any 24 calendar month period.
- (3) A health supplement under section 2.2 of Schedule C may be provided only if payment for the service is not available under the *Medicare Protection Act*. (B.C. Reg. 236/2003)

**68**

## Dental supplements

- 68** The minister may provide any health supplement set out in section 4 [*dental supplements*] of Schedule C that is provided to or for a family unit if the health supplement is provided to or for a person in the family unit who is
- (a) referred to in section 67 (1) (a), (d), (f) or (h) [*general health supplements*], (B.C. Reg. 170/2008)
  - (b) a dependent child of a recipient of income assistance,
  - (c) a person referred to in section 67 (1) (b) if the person, or an adult dependent of the person, is a person who has persistent multiple barriers to employment, (B.C. Reg. 57/2007)
  - (d) an adult dependent of a person referred to in section 67 (1) (b) if the adult dependent or the person referred to in that provision is a person who has persistent multiple barriers to employment, or (B.C. Reg. 57/2007)
  - (e) an adult dependent of a person referred to in section 67 (1) (f).

## Crown and bridgework supplement

- 68.1** The minister may provide a crown and bridgework supplement under section 4.1 of Schedule C to a recipient of income assistance under section 2, 4, 6, 8, or 9 of Schedule A if either
- (a) the recipient
    - (i) is a person who has persistent multiple barriers to employment, and
    - (ii) does not receive a federal spouse's allowance or guaranteed income

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supplement benefits, or

(b) the recipient is a person referred to in section 67 (1) (h).

(B.C. Reg. 170/2008)

**69**

## Denture supplements

**69** The minister may provide any health supplement set out in section 5 [*denture supplements*] of Schedule C to or for a family unit if the health supplement is provided to

(a) a recipient of income assistance, or

(b) an adult dependant of a recipient of income assistance,

who is not eligible for a supplement under section 68 [*dental supplements*] if the recipient or dependant has had tooth extractions performed in the last 6 months because of pain and those extractions resulted in the recipient or dependant requiring a full upper denture, a full lower denture or both.

**70**

## Emergency dental and denture supplements

**70** The minister may provide any health supplements set out in section 6 of Schedule C to or for a family unit if the health supplement is provided to or for a person in the family unit who is

(a) a recipient of income assistance under Schedule A,

(b) a recipient of hardship assistance under Schedule D,

(c) a person referred to in section 67 (1) (f) or (h) [*general health supplements*], (B.C. Reg. 170/2008)

(d) a person referred to in section 72 [*dental and optical supplements – healthy kids program*], or

(e) a dependant of a person referred to in paragraphs (a) to (c).

## Orthodontic supplement

**71** (1) The minister may provide orthodontic supplements to or for a family unit if the orthodontic supplements are provided to or for a person in the family unit who meets the conditions under subsection (2) and who is

(a) a dependent child of a recipient of income assistance, or

(b) a child in the home of a relative.

(2) For a child referred to in subsection (1) to be eligible for orthodontic supplements, the child's family unit must have no resources available to cover the cost of the orthodontic supplements and the child must

(a) have severe skeletal dysplasia with jaw misalignment by 2 or more standard deviations, and

## Employment And Assistance Regulation

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- (b) obtain prior authorization from the minister for the orthodontic supplements.
- (3) Repealed. (B.C. Reg. 313/2007)

72

### Dental and optical supplements – healthy kids program

- 72 The minister may provide a health supplement in accordance with section 7 of Schedule C to a dependent child of a person who, when the service was provided, was receiving premium assistance under the *Medicare Protection Act* and who does not qualify for a supplement under section 67 (1) [*general health supplements*].

73

### Diet supplement

- 73 (1) The minister may pay for a diet supplement in accordance with section 8 of Schedule C for a recipient of income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*] 9 [*people in emergency shelters*] or 11 [*child in the home of a relative*] of Schedule A or a dependant if the recipient or dependant requires a special diet for a specific medical condition described in section 8 of Schedule C.
- (2) A person is not eligible for a supplement under subsection (1) unless the need for the special diet is confirmed in writing by
  - (a) a medical practitioner,
    - (a.1) a nurse practitioner, or (B.C. Reg. 317/2008)
    - (b) a registrant of the College of Dietitians of British Columbia established under the *Health Professions Act*. (B.C. Reg. 202/2006)

74

### Nutritional supplement

- 74 The minister may provide a nutritional supplement for a period of 3 calendar months for a a recipient of income assistance or a dependent child of a recipient of income assistance if
  - (a) the recipient or dependent child is not receiving a supplement under section 2 (3) of Schedule C, and
  - (b) a medical practitioner or nurse practitioner confirms in writing that the recipient or dependent child has an acute short term need for caloric supplementation to a regular dietary intake to prevent critical weight loss while recovering from (B.C. Reg. 317/2008)
    - (i) surgery,
    - (ii) a severe injury,
    - (iii) a serious disease, or

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(iv) side effects of medical treatment.

### Tube feed nutritional supplement

- 74.01** (1) In this section, “**tube feed nutritional supplement**” means a liquid nutritional product that is fed to a person via a tube to the stomach or intestines of the person and the pumps, tubes, bags and other medical equipment or supplies that are required to feed the liquid nutritional product to the person.
- (2) Subject to subsection (3), the minister may provide a tube feed nutritional supplement if the supplement is provided to or for a person in the family unit
- (a) who is a recipient of income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*], 7 [*people over 65 years of age*], or 9 [*people in emergency shelters and transition houses*] of Schedule A,
  - (b) who is a dependent child of a recipient referred to in paragraph (a),
  - (c) who is a child in the home of a relative,
  - (d) who has ceased to be eligible for income assistance, but is eligible to receive a health supplement under
    - (i) section 67 (1) (f) and was receiving a tube feed nutritional supplement on the date the person ceased to be eligible for income assistance, or
    - (ii) section 67 (1) (g) or (h) and was receiving a tube feed nutritional supplement on the date the family unit ceased to be eligible for income assistance,
  - (e) who has ceased to be eligible for income assistance, but is eligible to receive a health supplement under section 67 (1) (c) (ii) and was receiving a tube feed supplement on the date the person ceased to be eligible for income assistance, or
  - (f) another member of which is receiving assistance under section 8 (2) of Schedule A.
- (3) The minister may provide a tube feed nutritional supplement under this section if
- (a) a medical practitioner, nurse practitioner or registrant of the College of Dietitians of British Columbia established under the *Health Professions Act* confirms in writing that the person’s primary source of nutrition is through tube feeding,
  - (b) the person is not receiving a supplement under section 73 [*diet supplement*] or 74 [*nutritional supplement*], or a diet, nutritional or tube feed nutritional supplement under section 2 (3) of Schedule C, and
  - (c) there are no resources available to the person to pay for the tube feed nutritional supplement.

(B.C. Reg. 338/2008)

- 74.1** The minister may provide the type of health supplement referred to in section 10 of Schedule C, in accordance with that section, to or for
- (a) a dependent child of a recipient of income assistance under section 4 of the Act,
  - (b) a dependent child of a recipient of hardship assistance under section 5 of the Act,

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- (c) a dependent child of a person referred to in section 67 (1) (f), (g) or (h) of this regulation, or (B.C. Reg. 170/2008)
- (d) a child who is a recipient of income assistance under section 6 (2) of this regulation. (B.C. Reg. 155/2005)

**75**

### **Natal supplement**

- 75** (1) The minister may provide a natal supplement in accordance with section 9 of Schedule C if the supplement is provided to or for a person in the family unit who is a recipient of income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*], 9 [*people in emergency shelters*] or 11 [*child in the home of a relative*] of Schedule A or a dependent child of the recipient.
- (2) A family unit is eligible to receive the natal supplement while
- (a) the recipient or dependent child is pregnant, as confirmed in writing by a medical practitioner, a nurse practitioner or a registrant of the College of Midwives of British Columbia, or (B.C. Reg. 317/2008)
  - (b) the recipient or dependent child has a dependent child under 7 months of age.

**76**

### **Health supplement for persons facing life threatening health need**

- 76** The minister may provide any health supplement set out in Schedule C to a family unit, other than a family unit that includes a person with disabilities, if the health supplement is provided to or for a person in the family unit who is otherwise not eligible for the health supplement under this regulation, and if
- (a) the person faces a life-threatening health need and there are no resources available to the person's family unit with which to meet that need, and
  - (b) the minister determines that the health supplement is necessary to meet that need.

**77**

### **Supplement for alcohol or drug treatment**

- 77** (1) The minister may provide a supplement for the cost of treatment, counselling or related services for an alcohol or drug problem that is provided to a person in a family unit who is a recipient of income assistance or a dependent child of a recipient of income assistance, if
- (a) the minister considers that the recipient or dependent child needs the treatment, counselling or related services and there are no resources available to the family unit to cover the costs, and

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- (b) the recipient or dependent child receives the minister's approval before incurring those costs.
- (2) The amount of the supplement under this section is limited to a total of not more than \$500 for all treatment, counselling and related services provided to any one person over the previous 12 consecutive calendar months.

## Division 6 – Supplements – Eligibility for Employment-related Programs

### Eligibility for self-employment program

- 77.1** To be eligible to participate in a self-employment program established or funded by the minister under section 7 of the Act, a recipient must qualify under section 2 of this regulation as a person with persistent multiple barriers to employment.  
(B.C. Reg. 462/2003)

### Business plan

- 77.2** (1) The minister may require a recipient who is
- (a) applying to participate in a self-employment program, or
  - (b) participating in a self-employment program
- to provide, for the acceptance of the minister and within the time specified by the minister, a business plan for the small business the recipient is operating or proposes to operate under the self-employment program.
- (2) If a recipient provides a business plan under subsection (1) that is not acceptable to the minister, the minister may return the business plan to the recipient with directions and the recipient may resubmit the business plan within the time specified by the minister for that propose.
- (3) If
- (a) a recipient fails to provide a business plan in the time specified under subsection (1) or (2), as applicable, or
  - (b) a recipient provides a business plan that is not acceptable to the minister, the recipient is not or ceases to be eligible to participate in the self-employment program.

### Monthly report

- 77.3** If a recipient who is participating in a self-employment program is operating a small business under the program, the recipient must, in addition to the report required under section 33, provide a monthly report to the minister in the form and at the time specified by the minister, setting out, for the period covered by the report, as required by the form, the business activities, earnings, expenses, assets and liabilities of the small business the recipient is operating. (B.C. Reg. 462/2003)

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## PART 6 – RECONSIDERATIONS AND APPEALS

78

### Definitions for Part

78 In this Part

“**appellant**” means a person who commences an appeal under section 21 of the Act;

“**party**” means, in relation to an appeal to the tribunal, the appellant and the minister whose decision is under appeal.

79

### How a request to reconsider a decision is made

79 (1) A person who wishes the minister to reconsider a decision referred to in section 17 (1) of the Act must deliver a request for reconsideration in the form specified by the minister to the ministry office where the person is applying for or receiving assistance.

(2) A request under subsection (1) must be delivered within 20 business days after the date the person is notified of the decision referred to in section 17 (1) of the Act and may be delivered by

- (a) leaving it with an employee in the ministry office, or
- (b) being received through the mail at that office.

80

### Time limit for reconsidering decision

80 The minister must reconsider a decision referred to in section 17 (1) of the Act, and mail a written determination on the reconsideration to the person who delivered the request under section 79 (1), [*how a request to reconsider a decision is made*],

- (a) within 10 business days after receiving the request, or
- (b) if the minister considers it necessary in the circumstances and the person consents, within 20 business days after receiving the request.

(B.C. Reg. 77/2008)

81

### Decisions that may not be appealed

81 (1) The following categories of supplements are not appealable to the tribunal:

- (a) Repealed; (B.C. Reg. 313/2007)
- (b) reconsideration and appeal supplements under section 54;
- (c) supplements related to employment plans under section 56;
- (d) access to a program established or funded under the Act.

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- (e) confirmed job supplements under section 56.1. (B.C. Reg. 312/2002)
- (2) A decision to refuse to provide income assistance, hardship assistance or a supplement is not appealable to the tribunal if the person who would bring the appeal is awaiting a reconsideration of the minister or the decision of a panel on an earlier request for reconsideration he or she made, or an appeal he or she brought, respecting the same matter.
- (3) A decision to refuse to provide income assistance on the basis of a determination referred to in section 6 (2.1) (d) or (e) is not appealable to the tribunal. (B.C. Reg. 400/2007)

82

### Prescribed qualifications for members, vice-chairs and the chair of the tribunal

- 82**
- (1) To be eligible for appointment as a member to the tribunal, a person must
    - (a) have an understanding of the essential elements for the conduct of a fair and objective appeal,
    - (b) have an understanding of the key aspects of the Act and its regulations, the *Employment and Assistance for Persons with Disabilities Act* and its regulations, and the *Child Care Subsidy Act* and its regulations,
    - (c) not be an employee, or have been an employee within the past 6 months, in the ministry of a minister charged with the administration of the Act, (B.C. Reg. 267/2008)
    - (d) not be a recipient under the Act or the *Employment and Assistance for Persons with Disabilities Act*, and
    - (e) not have a personal, professional, financial or other interest in matters coming before the tribunal that would cause a reasonably informed person to have a reasonable perception that the tribunal member would not be independent and impartial.
  - (2) To be eligible for appointment as a chair or vice-chair of the tribunal, a person must, in addition to the requirements in subsection (1),
    - (a) have demonstrated skills regarding management, financial administration and human resource development, and
    - (b) have demonstrated knowledge of administrative law.

83

### Rate of remuneration

- 83**
- (1) A member of the tribunal, other than the chair or a vice-chair of the tribunal, shall receive for each appeal heard,
    - (a) \$175 for acting as a panel chair, and
    - (b) \$115 for acting as a member of a panel other than as a panel chair.

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(B.C. Reg. 5/2008)

- (2) For the purposes of this section, 2 or more appeals that are consolidated under section 86 (e) and heard at one hearing count as one appeal.
- (3) Subsection (1) applies to a member of the tribunal for no more than 3 appeals the member hears on the same day.

**84**

## Commencing an appeal

- 84** To commence an appeal, an applicant or recipient must complete an appeal form specified by the minister and must submit that form to the chair of the tribunal.

**85**

## Time period for scheduling and conducting hearing

- 85** (1) A hearing must be held within 15 business days after the appeal form is delivered under section 84, unless the chair of the tribunal and the parties consent to a later date.
- (2) The chair of the tribunal must notify the parties of the date, time and place of a hearing described in subsection (1) at least 2 business days before the hearing is to commence.

**86**

## Procedures

- 86** The practices and procedures of a panel include the following:
  - (a) a party to an appeal may be represented by an agent;
  - (b) the panel may hear an appeal in the absence of a party if the party was notified of the hearing;
  - (c) the parties may call witnesses to give evidence before the panel;
  - (d) a witness may not be present at the hearing before giving evidence unless the witness is
    - (i) an expert witness in the proceedings,
    - (ii) a party to the appeal, or
    - (iii) an agent representing a party to the appeal;
  - (e) the chair of the tribunal may
    - (i) consolidate 2 or more appeals involving the same parties, and
    - (ii) direct that 2 or more appeals involving different parties will be heard together if the appeals involve substantially similar factsonly if
    - (iii) the appeals involve substantially similar facts, and

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- (iv) each of the parties to each of the appeals agrees to the appeals being consolidated or heard together;
- (f) the chair and the members of a panel must send to the chair of the tribunal all documents submitted to the panel respecting an appeal within 5 business days after that panel makes its determination under section 24 (1) of the Act respecting the appeal.

87

### Notice of determinations and reasons

- 87
- (1) The written determination of a panel under section 24 of the Act must be in the form specified by the minister and must
    - (a) specify the decision under appeal,
    - (b) summarize the issues and relevant facts considered in the appeal,
    - (c) set out the reasons on which the panel based its determination, and
    - (d) specify the outcome of the appeal.
  - (2) The panel must within 5 business days of the conclusion of the hearing provide to the chair of the tribunal its determination in accordance with subsection (1).
  - (3) On the request of the chair of a panel, the chair of the tribunal may extend the time limit under subsection (2) for the panel by no more than 10 additional business days if the chair of the tribunal is satisfied that
    - (a) the panel is making all reasonable efforts to provide the chair of the tribunal with its determination in a timely manner, and
    - (b) the best interest of the parties are served by the extension.
  - (4) If the panel's determination is not provided to the chair of the tribunal within the later of
    - (a) the end of the 5th business day following the conclusion of the hearing, and
    - (b) the date approved under subsection (3) by the chair of the tribunal,the determination is invalid, the panel is disbanded without receiving any remuneration, and another panel must be appointed under section 22 of the Act.
  - (5) If another panel is appointed under section 22 of the Act as a result of subsection (4), section 85 applies to this other panel as though an appeal form had been delivered on the date of the appointment of the panel.
  - (6) The chair of the tribunal must within 5 business days of receipt of a determination of a panel mail a copy of the panel's determination to the parties.

88

## Confidentiality

- 88 (1) The tribunal and a panel must keep confidential all documents and information submitted to it respecting the hearing of an appeal.
- (2) Determinations of a panel must not be disclosed by the chair and members of the panel to any person other than the chair of the tribunal.
- (3) Appeal proceedings before a panel are confidential and the hearing is not open to the public.
- (4) Despite subsections (1) to (3),
- (a) the chair of the tribunal may publish determinations of panels if all names, addresses and other identifying information are removed from the decision before publication, and
  - (b) documents, information, determinations of a panel and matters arising in the course of appeal proceedings before a panel may be disclosed for purposes of the investigation for, or prosecution of, an offence under the laws of Canada or British Columbia.

## Part 7 – General and Transitional Provisions

89

### Deductions for debts owed

- 89 For the purposes of section 28 (1) (b) of the Act, the minimum amount that may be deducted is \$10 each calendar month.

90

### Prescribed enactments for purposes of sections 28 (1) (b) and 29 (2) of the Act

- 90 The following Acts are prescribed:
- (a) for the purposes of section 28 (1) (b) of the Act, the *Employment and Assistance for Persons with Disabilities Act*;
  - (b) for the purposes of section 29 (2) of the Act, the *Employment and Assistance for Persons with Disabilities Act*.

90.1

### How assistance is provided

- 90.1 The minister may provide
- (a) income assistance or hardship assistance to or for a recipient by cheque or

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- electronic funds transfer or in vouchers, and
- (b) a supplement to or for a recipient by cheque or electronic funds transfer or in vouchers or in kind.

(B.C. Reg. 7/2008)

91

## Repealed

91 Repealed. (B.C. Reg. 8/2006)

92

## Replacement of lost or stolen assistance cheque

- 92 If satisfied that an unendorsed assistance cheque has been lost or stolen, the minister may issue a replacement as long as,
- (a) in the case of theft, the matter has been reported to police, and
  - (b) in the case of loss or theft, the recipient
    - (i) makes a declaration of the facts, and
    - (ii) undertakes to promptly deliver the lost or stolen cheque to the minister if it is recovered.

93

## Transitional benefit to attend mental health activity centre

- 93 The minister may continue to provide a family unit with an amount that, immediately before this section comes into force, the family unit was receiving as a travel allowance under section 75 (1) of the Income Assistance Regulation, B.C. Reg. 75/97, to enable a person in the family unit to attend a mental health activity centre.

94

## Transition in respect of the change to asset limits

- 94 Despite the repeal and replacement of section 9 (1) and (2) (b) of the Income Assistance Regulation, B.C. Reg. 75/95 and section 7 (1) and (2) (b) of the Youth Works Regulation, B.C. Reg. 77/97 on April 1, 2002 by B.C. Reg. 58/2002, section 9 (1) and (2) (b) of the Income Assistance Regulation and section 7 (1) and (2) (b) of the Youth Works Regulation, as they read on March 31, 2002, apply to the family unit of a recipient until the date the person's eligibility is next audited under section 34 *[requirement for eligibility audit]*.

95

## Transition in respect of repealed provisions

- 95 (1) In this section, “**repealed provision**” means sections 26, 27, 28 (2) (a) or (g), section 47 and Schedule D and section 13 (2) of Schedule A of the Income Assistance Regulation, B.C. Reg. 75/97 in force on March 31, 2002 and

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section 22, 23 or 24 (2) (a) or (g) of the Youth Works Regulation, B.C. Reg. 77/97 in force on March 31, 2002.

- (2) The minister must not provide assistance authorized under a repealed provision except an amount awarded on an appeal in respect of a calendar month prior to April, 2002.

## Schedule A

### INCOME ASSISTANCE RATES

(section 28 (a) )

#### Maximum amount of income assistance before deduction of net income

- 1 Subject to sections 3 and 6 to 11 of this Schedule, the amount of income assistance referred to in section 28 (a) [*amount of income assistance*] of this regulation is the sum of
- (a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus
  - (b) the shelter allowance calculated under sections 4 and 5 of this Schedule.

#### Monthly support allowance

- 2 (1) A monthly support allowance for the purpose of section 1 (a) is the sum of
- (a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2, plus
  - (b) the amount calculated in accordance with subsections (2) to (5) for each dependent child in the family unit.

Table

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of support
1	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age	\$235.00
2	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers	\$282.92

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Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of support
		to employment	
3	Sole applicant/recipient and no dependent children	Applicant/recipient is 65 or more years of age	\$531.42
4	Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age	\$375.58
5	Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment	\$423.58
6	Sole applicant/recipient and one or more dependent children	Applicant/recipient is 65 or more years of age	\$672.08
7	Two applicants/recipients and no dependent children	Both applicants/recipients are under 65 years of age	\$307.22
8	Two applicants/recipients and no dependent children	One applicant/recipient is person who has persistent multiple barriers to employment and the other is not but both applicants/recipients are under 65 years of age	\$396.22
9	Two applicants/recipients and no dependent children	Both applicants/recipients are under 65 years of age and both are persons with persistent multiple barriers to employment	\$452.06
10	Two applicants/recipients and no dependent children	One applicant/recipient is under 65 years of age and the other is 65 or more years of age	\$700.56
11	Two applicants/recipients and no dependent children	Both applicants/recipients are 65 or more years of age	\$949.06
12	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age	\$401.06
13	Two applicants/recipients and one or more dependent children	One applicant/recipient is person who has persistent multiple barriers to employment and the other is not but both applicants/recipients are under 65 years of age	\$490.06
14	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age and both are persons who have persistent multiple barriers to employment	\$546.06
15	Two applicants/recipients and one or more dependent children	One applicant/recipient is under 65 years of age and the other is 65 or more years of age	\$794.56
16	Two applicants/recipients and one or more dependent children	Both applicants/recipients are 65 or more years of age	\$1 043.06

(B.C. Reg. 57/2007)

- (2) If the family unit includes one or more dependent children, the monthly support allowance under subsection (1) is adjusted as follows:

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- (a) for each dependent child, by an additional \$123.50 for the calendar month in which the dependent child is born;
  - (b) for each dependent child in the family unit who is not referred to in paragraph (a) or (c) and for whom a person in the family is entitled to the BC basic family bonus, by the result of
    - (i) \$123.50, minus
    - (ii) the amount of the family bonus payable to the person for that dependent child for the calendar month preceding the calendar month for which the allowance is paid;
  - (c) for each dependent child who has reached 18 years of age,
    - (i) for the calendar month following the calendar month in which the dependent child reached that age, by the result of \$123.50 minus the amount of family bonus payable to a person in the family unit for that dependent child for the calendar month in which the dependent child reached that age, and
    - (ii) for each subsequent calendar month, by an additional \$123.50. (B.C. Reg. 286/2003)
- (3) In calculating the adjustment under subsection (2) (b) or (c) (i), an amount that, under the Income Tax Act (British Columbia) or the Income Tax Act (Canada), is deducted or set off from the family bonus must be treated as if it was paid to a person in the family unit.
- (4) The monthly support allowance under subsection (1) is not adjusted under subsection (2) (b) or (c) (i) if
- (a) payment of the family bonus for the preceding calendar month is delayed, cancelled or suspended under the *Income Tax Act* (Canada) or the *Income Tax Act* (B.C.), or
  - (b) a person in the family unit refuses to accept or apply for the family bonus for the preceding calendar month.
- (5) If a family unit includes a person who
- (a) immediately before reaching 19 years of age was a dependent child in the family unit, and
  - (b) reached that age while attending secondary school, the base monthly support allowance is increased by \$123.50 for each calendar month until the end of the school year in which that person reaches that age as long as he or she is still in attendance. (B.C. Reg. 286/2003)

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## Prorating of support allowance

- 3 In the calendar month that includes the date of the applicant's submission of the application for income assistance (part 2) form, the monthly support allowance is prorated based on the number of days remaining in that calendar month, beginning with the date of that submission. (B.C. Reg. 304/2005)

## Monthly shelter allowance

- 4 (1) For the purposes of this section, "**family unit**" includes a child who is not a dependent child and who resides in the parent's place of residence for not less than 40% of each month, under the terms of an order or an agreement referred to in section 1 (2) of this regulation.
- (2) The monthly shelter allowance for a family unit is the smaller of
- (a) the family unit's actual shelter costs, and
  - (b) the maximum set out in the following table for the applicable family size:

**Table**

<b>Item</b>	<b>Column 1 Family Unit Size</b>	<b>Column 2 Maximum Monthly Shelter</b>
<b>1</b>	1 person	\$375
<b>2</b>	2 persons	\$570
<b>3</b>	3 persons	\$660
<b>4</b>	4 persons	\$700
<b>5</b>	5 persons	\$750
<b>6</b>	6 persons	\$785
<b>7</b>	7 persons	\$820
<b>8</b>	8 persons	\$855
<b>9</b>	9 persons	\$890
<b>10</b>	10 persons	\$925

(B.C. Reg. 57/2007)

- (3) For a family unit of more than 10 persons, the maximum monthly shelter allowance is calculated by adding an extra \$35 for each person by which the family unit size exceeds 10.
- (4) Despite subsection (2), the minimum monthly shelter allowance for the family unit of a person who
- (a) is 60 or more years of age but under 65 years of age,

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- (b) is not eligible for the federal spouse's allowance, and
  - (c) is eligible for income assistance,
- is \$75, regardless of actual shelter costs.
- (5) Despite subsection (2) (a), if the actual shelter costs of a recipient increase as a result of the recipient remortgaging his or her place of residence, the amount of the mortgage payments is deemed, for the term of the new mortgage, to equal the amount before the remortgaging unless
- (a) the remortgaging was necessary because of the expiry of the mortgage term, and
  - (b) the amount borrowed under the mortgage is not increased.
- (6) Despite subsection (2), the maximum monthly shelter allowance for a person who
- (a) is a sole recipient without dependants, and
  - (b) provides confirmation of pregnancy from a medical practitioner or a registrant of the College of Midwives of British Columbia
- is increased by up to \$195 per month for the duration of the pregnancy.
- (B.C. Reg. 88/2008)

### How actual shelter costs are calculated

- 5** (1) For the purpose of this section, utility costs for a family unit's place of residence include only the following costs:
- (a) fuel for heating;
  - (b) fuel for cooking meals;
  - (c) water;
  - (d) hydro;
  - (e) garbage disposal provided by a company on a regular weekly or biweekly basis;
  - (f) rental of one basic residential single-line telephone.
- (2) When calculating the actual monthly shelter costs of a family unit, only the following items are included:
- (a) rent for the family unit's place of residence;
  - (b) mortgage payments on the family unit's place of residence, if owned by a person in the family unit;
  - (c) a house insurance premium for the family unit's place of residence if owned by a person in the family unit;
  - (d) property taxes for the family unit's place of residence if owned by a person in the family unit;
  - (e) utility costs;
  - (f) the actual cost of maintenance and repairs for the family unit's place of

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residence if owned by a person in the family unit and if these costs have received the minister's prior approval.

- (3) If utility costs fluctuate, they may be averaged over the periods
  - (a) beginning on October 1 and ending on March 31, and
  - (b) beginning on April 1 and ending on September 30.
- (4) If 2 or more family units share the same place of residence, the actual shelter costs of any one of them are the smaller of
  - (a) the amount calculated by
    - (i) dividing the actual shelter costs for all the family units by the number of persons occupying that place of residence, and
    - (ii) multiplying the result by the number of persons in that one family unit, and
  - (b) the amount declared by the family unit as the shelter costs for that family unit.

### People receiving room and board

- 6 (1) For a family unit receiving room and board other than in a facility mentioned in section 8 or 9 of this Schedule or from a relative referred to in subsection (2), the amount referred to in section 28 (a) [*amount of income assistance*] of this regulation is the smaller of the following amounts:
  - (a) the sum of
    - (i) the actual cost of the room and board, plus
    - (ii) \$60 for each calendar month for each applicant or recipient, plus
    - (iii) \$40 for each calendar month for each dependent child in the family unit;
  - (b) the amount calculated under sections 1 to 5 of this Schedule for a family unit matching the applicant's or recipient's family unit.
- (2) If a family unit receives room and board from a parent or child of an applicant or a recipient in the family unit, only the following amounts may be provided:
  - (a) the support allowance that is applicable under sections 2 and 3 of this Schedule to a family unit matching the applicant's or recipient's family unit;
  - (b) the amount payable under section 4 (4) of this Schedule.

### People over 65 years of age

- 7 (1) For a family unit that includes a person who has reached 65 years of age and receives federal old age security payments and includes a dependant, the amount referred to in section 28 (a) [*amount of income assistance*] of this regulation is the sum of
  - (a) the support allowance calculated under section 2 and 3 of this Schedule for a family unit matching the applicant's or recipient's family unit, plus
  - (b) the maximum shelter allowance calculated under section 4 of this Schedule for a family unit matching the applicant's or recipient's family unit.

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- (2) Subsection (1) applies regardless of the family unit's actual shelter costs or whether the family unit is sharing residential accommodation or receiving room and board.

### People receiving special care

- 8** (1) For a person who receives accommodation and care in a special care facility or a private hospital or who is admitted to a hospital because he or she requires extended care, the amount referred to in section 28 (a) [*amount of income assistance*] of this regulation is the sum of
- (a) the actual cost, if any, to the applicant or recipient of the accommodation and care at the rate approved by the minister for the type of facility, plus
  - (b) a comforts allowance of \$95 per person for each calendar month.  
(B.C. Reg. 161/2005)
- (2) If the special care facility is an alcohol or drug treatment centre, the minister may, in addition, pay either or both of the following while the applicant or recipient is in the alcohol or drug treatment centre:
- (a) actual shelter costs for the applicant's or recipient's usual place of residence up to the amount under section 4 for a family unit matching the applicant's or recipient's family unit;
  - (b) a monthly support allowance for the applicant's or recipient's family unit, equal to the amount calculated under sections 2 and 3 of this Schedule minus the portion of that allowance that would be provided on account of the applicant or recipient.

### People in emergency shelters and transition houses

- 9** For a family unit receiving accommodation and care in an emergency shelter or transition house, the amount referred to in section 28 (a) [*amount of income assistance*] of this regulation is
- (a) the actual cost, if any, to the family unit of the accommodation and care at the rate approved by the minister for the type of emergency shelter or transition house, plus
  - (b) the support allowance calculated under sections 2 and 3 of this Schedule for a family unit matching the family unit of the applicant or recipient.  
(B.C. Reg. 316/2008)

### Transients

- 10** For a transient, the amount referred to in section 28 (a) [*amount of income assistance*] of this regulation is the sum of
- (a) the cost of housing in a hostel, if one exists in the community, plus
  - (b) the cost of food.

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## Child in the home of a relative

- 11 The income assistance to be paid under section 6 [*child in the home of a relative*] of this regulation on behalf of a child residing in the home of a relative is the amount listed in the second column that corresponds to the child's age group as listed in the first column.

Age Group	Monthly rate
Birth-5 years	\$257.46 minus financial contribution by the parents
6-9 years	\$271.59 minus financial contribution by the parents
10-11 years	\$314.31 minus financial contribution by the parents
12-13 years	\$357.82 minus financial contribution by the parents
14-17 years	\$402.70 minus financial contribution by the parents
18 years	\$454.32 minus financial contribution by the parents

## Schedule B

### NET INCOME CALCULATION

(section 28 (b) )

## Deduction and exemption rules

- 1 When calculating the net income of a family unit for the purposes of section 28 (b) [*amount of income assistance*] of this regulation,
- (a) the following are exempt from income:
    - (i) any income earned by a dependent child attending school on a full-time basis;
    - (ii) the basic family care rate paid for foster homes;
    - (iii) income assistance paid to a person under section 6 [*child in the home of a relative*] of this regulation;
    - (iv) a family bonus, except the portion treated as unearned income under section 10 (1) of this Schedule;
    - (v) the basic child tax benefit;
    - (vi) a goods and services tax credit under the *Income Tax Act* (Canada);
    - (vii) a sales tax credit under the *Income Tax Act* (British Columbia);
    - (viii) individual redress payments granted by the government of Canada to a person of Japanese ancestry;

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- (ix) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;
- (x) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus or to the surviving spouse or dependent children of that person;
- (xi) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;
- (xii) money that is
  - (i) paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or
  - (ii) paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry; (B.C. Reg. 276/2004)
- (xiii) the BC earned income benefit;
- (xiv) money paid or payable under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid or payable under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
- (xv) a rent subsidy provided by the provincial government, or by a council, board, society or governmental agency that administers rent subsidies from the provincial government;
- (xvi) an income tax refund, or part of an income tax refund, that arises by reason of a payment made by the government of British Columbia to the government of Canada on behalf of a person who incurred a tax liability due to income received under the Forest Worker Transition Program;
- (xvii) money paid or payable to a person in settlement of a claim of abuse at an Indian residential school, except money paid or payable as income replacement in the settlement;
- (xviii) post adoption assistance payments provided under section 28 (1) or 30.1 of the Adoption Regulation, B.C. Reg. 291/96;
- (xix) a rebate of energy or fuel tax provided by the government of Canada, the government of British Columbia, or an agency of either government,
- (xx) payments granted by the government of British Columbia as Interim Early Intensive Intervention Funding;
- (xxi) payments granted by the government of British Columbia under section 8 of the *Child, Family and Community Service Act* [agreement

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*with child's kin and others];*

- (xxii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program. (B.C. Reg. 115/2003)
- (xxiii) payments granted by the Government of British Columbia under the Ministry of Children and Family Development's Extended Autism Intervention Program; (BC Reg. 209/2003)
- (xxiv) payments granted by the Government of British Columbia under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*, for contributions to the support of a child to a person other than a parent of that child. (BC Reg. 209/2003)
- (xxv) a loan that is
  - (C) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 77.2 of this regulation, and
  - (D) received and used for the purposes set out in the business plan. (B.C. Reg. 462/2003)
- (xxvi) payments granted by the government of British Columbia under the Ministry of Children and Family Development's
  - (A) Autism Funding: Under Age 6 Program, or
  - (B) Autism Funding: Ages 6 - 18 Program, (B.C. Reg. 22/2005)
- (xxvii) that portion of the maintenance paid for and passed on to a person with disabilities or a person aged 19 or older under a maintenance order or agreement filed with a court. (B.C. Reg. 91/2005)
- (xxviii) payments made by a health authority or a contractor of a health authority to a recipient, who is a "person with a mental disorder" as defined in section 1 of the *Mental Health Act*, for the purpose of supporting the recipient in participating in a volunteer program or in a mental health or addictions rehabilitation program. (B.C. Reg. 90/2005)
- (xxix) a refund provided by the Fair PharmaCare program of the Ministry of Health, (B.C. Reg. 292/2005)
- (xxx) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills program, or a supported work placement program, approved by Community Living BC. (B.C. Reg. 192/2006)
- (xxxi) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act* (Canada). (B.C. Reg. 250/2006)
- (xxxii) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990,

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- except money paid under that agreement as income replacement.  
(B.C. Reg. 165/2007)
- (xxxiii) money withdrawn from a registered disability savings plan,  
(B.C. Reg. 362/2007)
- (xxxiv) a working income tax benefit provided under the  
*Income Tax Act* (Canada), (B.C. Reg. 48/2008)
- (xxxv) the low income climate action tax credit under section 8.1 of the  
*Income Tax Act*,
- (xxxvi) the climate action dividend under section 13.02 of the  
*Income Tax Act*, (B.C. Reg. 94/2008)
- (xxxvii) money paid or payable to a person under the *Criminal Injury  
Compensation Act* as compensation for non-pecuniary loss or  
damage for pain, suffering mental or emotional trauma, humiliation  
or inconvenience that occurred when the person was under 19 years  
of age, (B.C. Reg. 87/2008)
- (b) any amount garnished, attached, seized, deducted or set off from income is  
considered to be income, except the deductions permitted under sections 2  
and 6 of this Schedule,
- (c) all earned income must be included, except the deductions permitted under  
section 2 and any earned income exempted under sections 3 and 4 of this  
Schedule, and
- (d) all unearned income must be included, except the deductions permitted under  
section 6 and any income exempted under sections 7 and 8 of this Schedule.

### Deductions from earned income

- 2 The only deductions permitted from earned income are the following:
- (a) any amount deducted at source for
- (i) income tax,
  - (ii) employment insurance,
  - (iii) medical insurance,
  - (iv) Canada Pension Plan,
  - (v) superannuation,
  - (vi) company pension plan, and
  - (vii) union dues;
- (b) if the applicant or recipient provides both room and board to a person at the  
applicant's or recipient's place of residence, the essential operating costs of  
providing the room and board;
- (c) if the applicant or recipient rents rooms that are common to and part of the  
applicant's or recipient's place of residence, 25% of the gross rent received

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from the rental of the rooms.

### Exemption – earned income

- 3 (1) The amount of earned income calculated under subsection (2) is exempt for a family unit if
- (a) a recipient in the family unit has been receiving continuously for the 3 calendar months immediately preceding the calendar month for which the exemption is claimed
    - (i) income assistance under the Act,
    - (ii) disability assistance under the *Employment and Assistance for Persons with Disabilities Act*,
    - (iii) income assistance or a youth allowance under a former Act,
    - (iv) a disability allowance under the *Disability Benefits Program Act*, or
    - (v) any combination of the assistance and allowances referred to in subparagraphs (i) to (iv),
  - (b) each person in the family unit is under 65 years of age, and
  - (c) either
    - (i) any person in the family unit is a person who has persistent multiple barriers to employment, (B.C. Reg. 57/2007) or
    - (ii) the family unit is composed of a sole recipient who
      - (A) has a dependent child,
      - (B) has in his or her care a child in the home of a relative, or
      - (C) has in his or her care a foster child,and the child has a physical or mental condition that, in the minister's opinion, precludes the sole recipient from leaving home for the purposes of employment or working, on average, more than 30 hours each week. (B.C. Reg. 87/2005)
- (2) The exempt amount for a family unit that qualifies under subsection (1) is calculated as the lesser of the family unit's total earned income in the calendar month of calculation, and
- (a) \$300 in the case of a family unit that is composed of a sole recipient described in subsection (1) (c) (ii), or
  - (b) \$500 in the case of a family unit described in subsection (1) (c) (i). (B.C. Reg. 43/2006)
- (3) A transient is not entitled to an exemption under this section. Small business exemption
- 4 (1) In this section and section 5,
- “permitted operating expenses”** means costs, charges and expenses incurred by a person in the operation of a small business, under a self-employment program in which the person is participating, for the following:
- (a) purchase of supplies and products;

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- (b) accounting and legal services;
  - (c) advertising;
  - (d) taxes, fees, licences and dues incurred in the small business;
  - (e) business insurance;
  - (f) charges imposed by a savings institution on an account and interest;
  - (f.1) payments, including principal and interest, on a loan that is
    - (i) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 77.2 of this regulation, and
    - (ii) received and used for the purposes set out in the business plan;  
(B.C. Reg. 462/2003)
  - (g) maintenance and repairs to equipment;
  - (h) gross wages paid to employees of the small business, but not including wages paid to
    - (i) the person participating, or
    - (ii) a person in the family unit of the person participating;
  - (i) motor vehicle expenses;
  - (j) premiums for employment insurance or workers' compensation benefits;
  - (k) employer contributions for employment insurance, workers' compensation or the Canada Pension Plan;
  - (l) rent and utilities, excluding rent and utilities for the place of residence of the persons described in subparagraphs (i) or (ii) of paragraph (h) unless
    - (i) there is an increase for rent or utilities and the increase is attributable to the small business, and
    - (ii) the increase is not provided for in the calculation of the family unit's shelter allowance under Schedule A of this regulation;
  - (m) office expenses;
  - (n) equipment purchases or rentals.
- (2) Earned income of a recipient of income assistance is exempted from the total income of the recipient's family unit if
- (a) the recipient is participating in a self-employment program, and
  - (b) the earned income is derived from operating a small business under the self-employment program in which the recipient is participating and
    - (i) is used for permitted operating expenses of the small business, or
    - (ii) is deposited in a separate account, established by the recipient in a savings institution, which account
      - (A) consists exclusively of funds reserved by the recipient for the purpose of paying permitted operating expenses of that small business, and
      - (B) the amount deposited does not increase the current balance of the
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separate account to a sum that exceeds \$5 000, or

- (iii) is used for costs of renovations to the recipient's place of residence up to but not exceeding \$5 000 in total or a greater amount accepted by the minister, if the renovations are part of a business plan accepted by the minister under section 77.2 of this regulation.

(B.C. Reg. 462/2003)

### Withdrawals and expenditures from reserve account

- 5 The amount of any expenditure or withdrawal out of a separate account described in section 4 (2) (b) (ii) of this Schedule, is earned income for all purposes of this regulation, unless
  - (a) the expenditure or withdrawal is for the payment of permitted operating expenses of the small business referred to in section 4 (2) of this Schedule, and
  - (b) in the case of a withdrawal, the amount withdrawn is used within one month after the date of withdrawal to pay permitted operating expenses of the small business referred to in section 4 (2) (b) (i) of this Schedule.

### Deductions from unearned income

- 6 The only deductions permitted from unearned income are the following:
  - (a) any income tax deducted at source from employment insurance benefits;
  - (b) essential operating costs of renting self-contained suites.

### Exemptions – unearned income

- 7 The following unearned income is exempt:
  - (a) the portion of interest from a mortgage on, or agreement for sale of, the family unit's previous place of residence if the interest is required for the amount owing on the purchase or rental of the family unit's current place of residence;
  - (b) \$50 of each monthly Federal Department of Veterans Affairs benefits paid to any person in the family unit;
  - (c) a criminal injury compensation award or other award, except the amount that would cause the family unit's assets to exceed, at the time the award is received, the limit applicable under section 11 [*asset limits*] of this regulation;
  - (j) a payment made from a trust to or on behalf of a person referred to in section 13 (2) [*assets held in trust for person receiving special care*] of this regulation
    - if
      - (i) the payment is applied exclusively to or used exclusively for disability-related costs as defined in section 13 (1) of this regulation, and
      - (ii) the amount of the exemption under subparagraph (i) for all payments that, during a calendar year, are applied exclusively for the costs referred to in paragraph (d) of that definition does not exceed \$5 484.
  - (e) the portion of Canada Pension Plan Benefits that is calculated by the formula

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(A - B) x C, where

A = the gross monthly amount of Canada Pension Plan Benefits received by an applicant or recipient;

B = (i) in respect of a family unit comprised of a sole applicant or a sole recipient with no dependent children, 1/12 of the amount determined under section 118 (1) (c) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of the Act; or

(ii) in respect of any other family unit, the amount under subparagraph (i), plus 1/12 of the amount resulting from the calculation under section 118 (1) (a) (ii) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act;

C = the sum of the percentages of taxable amounts set out under section 117 (2) (a) of the *Income Tax Act* (Canada) and section 4.1 (1) (a) of the *Income Tax Act* (B.C. Reg. 57/2003)

### Minister's discretion to exempt education related unearned income

8 (1) In this section:

“**education costs**” means the amount required by a student for tuition, books, compulsory student fees and reasonable transportation costs for a semester;

“**day care costs**” means the difference between a student's actual day care costs and the maximum amount of child care subsidy that is available under the *Child Care Subsidy Act* to a family unit matching the student's family unit, for a semester.

(2) The minister may authorize an exemption for a student described in subsection (3) up to the sum of the student's education costs and day care costs from the total amount of

- (a) a training allowance,
- (b) student financial assistance, and
- (c) student grants, bursaries, scholarships or disbursements from a registered education savings plan received for the semester.

(3) An exemption under subsection (2) may be authorized in respect of a student who is

- (a) a dependent child enrolled as a student in either a funded or an unfunded program of studies,
  - (b) an applicant or a recipient enrolled
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- (i) as a part-time student in an unfunded program of studies, or
- (ii) with the prior approval of the minister, as a full-time student in an unfunded program of studies, or
- (c) a person in a category listed in section 29 (4) [*consequences of failing to meet employment-related obligations*] of this regulation enrolled as a part-time student in a funded program of studies.

### Application of deductions and exemptions

- 9 (1) The deductions and exemptions in this Schedule apply only in the calendar month in which the income is actually received, despite any of the following:
- (a) the date the income is payable;
  - (b) the period for which the income is payable;
  - (c) the date the income is reported to the minister;
  - (d) the date the minister receives notice of the income.
- (2) Despite subsection (1), income that is received before the date that subsection (1) comes into force is subject to the application of section 9 of this regulation as it read immediately before subsection (1) came into force. (B.C. Reg.429/2004)

### Backdated family bonus treated as unearned income

- 10 (1) If that portion of a child benefits cheque attributable to family bonus, the payee of which is a person in the applicant's or recipient's family unit, includes an amount attributable to family bonus for one or more calendar months preceding the calendar month in which the cheque was issued, the amount for each preceding calendar month must be treated as unearned income.
- (2) For the purposes of subsection (1), an amount that, under the *Income Tax Act* (British Columbia) or the *Income Tax Act* (Canada), is deducted or set off from a family bonus is considered to have been paid to a person in the applicant's or recipient's family unit.
- (3) Subsection (1) does not apply to an amount included in that portion of a child benefits cheque attributable to family bonus
- (a) to replace a lost or stolen cheque for which an amount was advanced under section 60 [*advance for lost or stolen family bonus cheque*] of this regulation,
  - (b) to replace a cheque for which no amount was advanced under section 60 [*advance for lost or stolen family bonus cheque*] of this regulation if the replacement is received in the calendar month following the calendar month for which the lost or stolen cheque was issued, or
  - (c) for a child in the home of a relative.

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### Backdated CPP treated as unearned income

- 11 (1) In this section, “**pension benefit**” means a pension or other payment under the *Canada Pension Plan* (Canada).
- (2) If
- (a) income assistance is provided to a family unit for a calendar month or any portion of a calendar month that would not have been provided if a pension benefit had been paid for that calendar month, and
  - (b) subsequently a pension benefit becomes payable or payment of a pension benefit may be made under the *Canada Pension Plan* (Canada) to a recipient in the family unit for that calendar month or any portion of that calendar month
- the amount of the pension benefit that becomes payable for that month or portion of that month must be treated as unearned income and is considered to have been received by the recipient in that month.

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## SCHEDULE C

### HEALTH SUPPLEMENTS

#### Definitions

1 In this Schedule:

**“basic dental service”** means a dental service that

- (a) if provided by a dentist,
  - (i) is set out in the Schedule of Fee Allowances – Dentist that is effective January 1, 2007 and is on file with the office of the deputy minister, and (B.C. Reg. 314/2006)
  - (ii) is provided at the rate set out for the service in that Schedule, and
- (b) if provided by a denturist,
  - (i) is set out in the Schedule of Fee Allowances – Denturist that is effective January 1, 2007 and is on file with the office of the deputy minister, and (B.C. Reg. 314/2006)
  - (ii) is provided at the rate set out for the service in that Schedule; (B.C. Reg. 88/2005)

**“basic eyewear and repairs”** means any of the following items that are provided by an optometrist, ophthalmologist or optician:

- (a) for a child who has a new prescription, one pair of eye glasses per year consisting of the least expensive appropriate
  - (i) single-vision or bifocal lenses, and
  - (ii) frames;
- (b) for any other person who has a new prescription, one pair of eye glasses every 3 years consisting of the least expensive appropriate
  - (i) single-vision or bifocal lenses, and
  - (ii) frames; (B.C. Reg. 160/2005)
- (c) for a child or other person,
  - (i) new lenses at any time if an optometrist, ophthalmologist or optician confirms a change in refractive status in either eye,
  - (ii) a case for new eye glasses or lenses, and
  - (iii) necessary repairs to lenses or frames that come within this definition;

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**“change in refractive status”** means a change of not less than 0.5 dioptres to the spherical or cylinder lens, or a change in axis that equals or exceeds

- (a) 20 degrees for a cylinder lens of 0.5 dioptres or less,
- (b) 10 degrees for a cylinder lens of more than 0.5 dioptres but not more than 1.0 dioptre, and
- (c) 3 degrees for a cylinder lens of more than 1.0 dioptre;

**“dental technician”** Repealed. (B.C. Reg. 88/2005)

**“dentist”** means a dentist registered with the *College of Dental Surgeons under the Dentists Act*;

**“denture services”** means services and items that

- (a) if provided by a dentist
  - (i) are set out under fee numbers 51101 to 51302 in the Schedule of Fee Allowances – Dentist that is effective January 1, 2007 and is on file with the office of the deputy minister, and (B.C. Reg. 314/2006)
  - (ii) are provided at the rate set out for the service or item in that Schedule, and
- (b) if provided by a denturist
  - (i) are set out under fee numbers 31310 to 31331 in the Schedule of Fee Allowances – Denturist that is effective January 1, 2007 and is on file with the office of the deputy minister, and (B.C. Reg. 314/2006)
  - (ii) are provided at the rate set out for the service or item in that Schedule; (B.C. Reg 88/2005)

**“denturist”** means a denturist registered with the College of Denturists of British Columbia established under the *Health Professions Act*;

**“emergency dental service”** means a dental service necessary for the immediate relief of pain that,

- (a) if provided by a dentist,
  - (i) is set out in the Schedule of Fee Allowances – Emergency Dental – Dentist, that is effective January 1, 2007 and is on file with the office of the deputy minister, and (B.C. Reg. 88/2005) (B.C. Reg. 314/2006)
  - (ii) is provided at the rate set out in that Schedule, and
- (b) if provided by a denturist,
  - (i) is set out in the Schedule of Fee Allowances – Emergency Dental – Denturist, that is effective January 1, 2007 and is on file with the office of the deputy minister, and (B.C. Reg. 88/2005) (B.C. Reg. 314/2006)
  - (ii) is provided at the rate set out in that Schedule;

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**"eye examination"** means a full diagnostic examination of a person's eyes by an optometrist or an ophthalmologist, that includes

- (a) a determination of the refractive status of the eyes and of the presence of any observed abnormality in the person's visual system,
  - (b) any necessary tests connected to making determinations under paragraph (a), and
  - (c) the provision of a written prescription for lenses if necessary;
- (B.C. Reg. 236/2003)

**"hearing aid dealer and consultant"** means a hearing aid dealer and consultant registered with the Board of Hearing Aid Dealers and Consultants under the *Hearing Aid Act*; (B.C. Reg. 53/2007)

**"ophthalmologist"** means a medical practitioner who practises ophthalmology;

**"optician"** means an optician registered with the College of Opticians of British Columbia established under the *Health Professions Act*;

**"optometrist"** means an optometrist registered with the British Columbia Association of Optometrists under the *Optometrists Act*;

**"orthotist"** means a person who is certified by and in good standing with the Canadian Board for Certification of Prosthetists and Orthotists;

(B.C. Reg. 8/2004)

**"pre-authorized eyewear and repairs"** means eyewear and repairs provided by an optometrist, ophthalmologist or optician and for which pre-authorization is given by the minister, but does not include basic eyewear and repairs;

**"premium assistance"** means premium assistance provided under the *Medicare Protection Act*;

**"specialist"** means a medical practitioner recognized as a specialist in a field of medicine or surgery in accordance with the rules made by the Council of the College of Physicians and Surgeons of British Columbia under section 5 (1) (j) of the *Medical Practitioners Act*.

## General health supplements

2 (1) The following are the health supplements that may be paid for by the minister if provided to a family unit that is eligible under section 67 [*general health supplements*] of this regulation:

(a) disposable medical or surgical supplies other than bottled water, nutritional supplements, food, vitamins or minerals, if

(i) the supplies are

(A) prescribed by a medical practitioner or nurse practitioner,  
(B.C. Reg. 317/2008)

(B) used in a medical procedure or treatment, and

(C) necessary to avoid an imminent and substantial danger to health,  
and

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- (ii) there are no resources available to the family unit to cover the cost of the supplies;
- (b) Repealed (B.C. Reg. 236/2003)
- (c) subject to subsection (2), a service provided by a person described opposite that service in the following table, delivered in not more than 12 visits per calendar year,
  - (i) for which a medical practitioner or nurse practitioner has confirmed an acute need, (B.C. Reg. 317/2008)
  - (ii) if the visits available under the Medical and Health Care Services Regulation, B.C. Reg. 426/97, for that calendar year have been provided and for which payment is not available under the *Medicare Protection Act*, and
  - (iii) for which there are no resources available to the family unit to cover the cost:

Item	Service	Provided by	Registered with
1	acupuncture	acupuncturist	College of Traditional Chinese Medicine under the <i>Health Professions Act</i>
2	chiropractic	chiropractor	British Columbia College of Chiropractors under the <i>Chiropractors Act</i>
3	massage therapy	massage therapist	College of Massage Therapists of British Columbia under the <i>Health Professions Act</i>
4	naturopathy	naturopath	College of Naturopathic Physicians of British Columbia under the <i>Health Professions Act</i>
5	non-surgical podiatry	podiatrist	British Columbia Association of Podiatrists under the <i>Podiatrists Act</i>
6	physiotherapy	physiotherapist	College of Physical Therapists of British Columbia under the <i>Health Professions Act</i>

(B.C. Reg. 318/2008) (B.C. Reg. 75/2008)

- (d) Repealed (B.C. Reg. 75/2008)
- (e) Repealed (B.C. Reg. 75/2008)
- (f) the least expensive appropriate mode of transportation to or from
  - (i) an office, in the local area, of a medical practitioner or nurse practitioner, (B.C. Reg. 317/2008)
  - (ii) the office of the nearest available specialist in a field of medicine or surgery if the person has been referred to a specialist in that field by a local medical practitioner or nurse practitioner, (B.C. Reg. 317/2008)
  - (iii) the nearest suitable general hospital or rehabilitation hospital, as those

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facilities are defined in section 1.1 of the Hospital Insurance Act Regulations, or

- (iv) the nearest suitable hospital as defined in paragraph (e) of the definition of "hospital" in section 1 of the *Hospital Insurance Act*, provided that
- (v) the transportation is to enable the person to receive a benefit under the *Medicare Protection Act* or a general hospital service under the *Hospital Insurance Act*, and
- (vi) there are no resources available to the person's family unit to cover the cost.

(g) Repealed (B.C. Reg. 75/2008)

(2) No more than 12 visits per calendar year are payable by the minister under this section for any combination of physiotherapy services, chiropractic services, massage therapy services, non-surgical podiatry services, naturopathy services and acupuncture services. (B.C. Reg. 10/2004) (B.C. Reg. 75/2008) (B.C. Reg. 318/2008)

(2.1) If eligible under subsection (1) (c) and subject to subsection (2), the amount of a general health supplement under section 67 of this regulation for physiotherapy services, chiropractic services, massage therapy services, non-surgical podiatry services, naturopathy services and acupuncture services is \$23 for each visit. (B.C. Reg. 318/2008)

(3) If the minister provided a benefit to or for a person under section 2 (3) of Schedule C of the Income Assistance Regulation, B.C. Reg. 75/97, the Youth Works Regulation, B.C. Reg. 77/97 or the Disability Benefits Program Regulation, B.C. Reg. 79/97, as applicable, for the month during which the regulation was repealed, the minister may continue to provide that benefit to or for that person as a supplement on the same terms and conditions as previously until the earlier of the following dates:

- (a) the date the conditions on which the minister paid the benefit are no longer met;
- (b) the date the person ceases to receive income assistance.

### Optical supplements

2.1 The following are the health supplements that may be paid for by the minister if provided to a family unit that is eligible under section 67.1 [*optical supplements*] of this regulation:

- (a) basic eyewear and repairs;
- (b) pre-authorized eyewear and repairs. (B.C. Reg. 236/2003)

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## Eye examination supplements

- 2.2 The minister may pay a health supplement under section 67.2 [*eye examination supplements*] of this regulation for any eye examination that,
- (a) if provided by an optometrist, is provided for a fee that does not exceed \$44.83, or
  - (b) if provided by an ophthalmologist, is provided for a fee that does not exceed \$48.90. (B.C. Reg. 236/2003)

## Medical equipment and devices

- 3 (1) The following medical equipment and devices are the health supplements that may be paid for by the minister if the supplements are provided to a family unit that is eligible under section 67 [*general health supplements*] of this regulation:
- (a) wheelchairs, personal motorized mobility devices, canes, crutches and walkers,
    - (i) repealed, (B.C. Reg. 317/2008)
    - (ii) medically essential for basic mobility,
    - (iii) repealed, (B.C. Reg. 317/2008)
    - (iv) the person has received the pre-authorization of the minister for the medical equipment or device requested, and
    - (v) there are no resources available to the person's family unit to pay the cost of the health supplement;
  - (b) orthotics and bracing if
    - (i) prescribed by a medical practitioner or podiatrist, or an occupational therapist or physical therapist has performed an assessment and confirmed the need for the orthotics or bracing,
    - (ii) medically essential for basic mobility,
    - (iii) the person has received the pre-authorization of the minister for the orthotics or bracing requested,
    - (iv) the minister is satisfied that the orthotics or bracing are required for one or more of the following purposes:
      - (A) to prevent surgery;
      - (B) for post surgical care;
      - (C) to assist in physical healing from surgery, injury or disease;
      - (D) to improve physical functioning that has been impaired by a neuro-musculo-skeletal condition.
    - (v) there are no resources available to the person's family unit to pay for the cost of the health supplement, and
    - (vi) the orthotics or bracing are pre-fabricated, unless
      - (A) a medical practitioner, occupational therapist, physical therapist, podiatrist or orthotist confirms that custom-made orthotics or bracing are required for one or more of the reasons referred to in subparagraph (iv), and
      - (B) the minister is satisfied that custom-made orthotics or bracing are required for one or more of the reasons referred to in subparagraph (iv); (B.C. Reg. 8/2004)
  - (c) hearing aids, if

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- (i) prescribed by an audiologist or hearing aid dealer and consultant,
  - (ii) an audiologist or hearing aid dealer and consultant has performed an assessment that confirms the need for the hearing aid,  
(B.C. Reg. 53/2007)
  - (iii) the person has received the pre-authorization of the minister for the hearing aid, and
  - (iv) there are no resources available to the person's family unit to pay the cost of the health supplement;
- (d) positioning devices, if
- (i) repealed, (B.C. Reg. 317/2008)
  - (ii) repealed, (B.C. Reg. 317/2008)
  - (iii) the person has received the pre-authorization of the minister for the positioning device requested, and
  - (iv) there are no resources available to the person's family unit to pay the cost of the health supplement;
- (e) breathing devices, if
- (i) prescribed by a medical practitioner,
  - (ii) a respiratory therapist has performed an assessment that confirms the type of breathing device required,
  - (iii) the person has received the pre-authorization of the minister for the breathing device, and
- (f) there are no resources available to the person's family unit to pay the cost of the health supplement.
- (2) In addition to the requirements of subsection (1) (a) or (d), the minister must require one, and may require both, of the following:
- (a) a prescription of a medical practitioner or nurse practitioner for the wheelchair, personal motorized mobility device, cane, crutches, walker or positioning device;
  - (b) an assessment by an occupational therapist or physical therapist confirming the need for the wheelchair, personal motorized mobility device, cane, crutches, walker or positioning device.

(B.C. Reg. 317/2008)

**3.1** If the criteria in section 3 (1) (b) (vi) (A) and (B) are met and the orthotic is a custom-made foot orthotic, the foot orthotic must be made from a hand-cast mold.

(B.C. Reg. 9/2004)

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## Dental supplements

- 4 (1) In this section, "**period**" means a 2 year period beginning on January 1, 2003, and on each subsequent January 1 in an odd numbered year.
- (1.1) The health supplements that may be paid under section 68 [*dental supplements*] of this regulation are basic dental services to a maximum of
- (c) \$700 each calendar year, if provided to a dependent child or a child in the home of a relative, and
  - (d) \$1 000 each period, if provided to a person not referred to in paragraph (a). (B.C. Reg. 162/2005)
- (2) Dentures may be provided as a basic dental service only to a person
- (a) who has never worn dentures, or
  - (b) whose dentures are more than 5 years old.
- (3) The limits under subsection (1.1) may be exceeded by an amount necessary to provide dentures, taking into account the amount remaining to the person under those limits at the time the dentures are to be provided, if
- (a) a person requires a full upper denture, a full lower denture or both because of extractions made in the previous 6 months to relieve pain,
  - (b) a person, other than a person referred to in section 67 (1) (f) or a dependant of that person, requires a partial denture to replace at least 3 contiguous missing teeth on the same arch, at least one of which was extracted in the previous 6 months to relieve pain, or
  - (c) a person who has been a recipient of income assistance or disability assistance for at least 2 years or a dependent of that person requires replacement dentures. (B.C. Reg. 88/2005)
- (4) Subsection (2) (b) does not apply with respect to a person described in subsection (3) (a) who has previously had a partial denture.
- (5) The dental supplements that may be provided to a person described in subsection (3) (b), or to a person described in subsection (3) (c) who requires a partial denture, are limited to services under
- (a) fee numbers 52101 to 52402 in the Schedule of Fee Allowances – Dentist referred to in paragraph (a) of the definition "basic dental service" in section 1 of this Schedule, or (B.C. Reg. 88/2005)
  - (b) fee numbers 41610, 41612, 41620 and 41622 in the Schedule of Fee Allowances – Denturist referred to in paragraph (b) of the definition "basic dental service" in section 1 of this Schedule. (B.C. Reg. 88/2005)
- (6) The dental supplements that may be provided to a person described in subsection (3) (c) who requires the replacement of a full upper, a full lower denture or both are limited to services under

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- (a) fee numbers 51101 to 51102 in the Schedule of Fee Allowances – Dentist referred to in paragraph (a) of the definition “basic dental service” in section 1 of this Schedule, or (B.C. Reg. 88/2005)
  - (b) fee numbers 31310, 31320 or 31330 in the Schedule of Fee Allowances – Denturist referred to in paragraph (b) of the definition “basic dental service” in section 1 of this Schedule. (B.C. Reg. 88/2005)
- (7) A reline or a rebase of dentures may be provided as a basic dental service only to a person who has not had a reline or rebase of dentures for at least 2 years.

### Crown and bridgework supplement

- 4.1 (1) In this section, “**crown and bridgework**” means a dental service
- (a) that is provided by a dentist, (B.C. Reg. 88/2005)
  - (b) that is set out in the Schedule of Fee Allowances – Crown and Bridgework, that is effective January 1, 2007 and is on file with the office of the deputy minister, (B.C. Reg. 88/2005)
  - (c) that is provided at the rate set out for the service in that Schedule, and
  - (d) for which a recipient has received the pre-authorization of the minister.
- (2) A health supplement may be paid under section 68.1 of this regulation for crown and bridgework but only if the minister is of the opinion that the recipient has a dental condition that cannot be corrected through the provision of basic dental services because
- (a) the dental condition precludes the provision of the restorative services set out under the Restorative Services section of the Schedule of Fee Allowances – Dentist, and (B.C. Reg. 88/2005)
  - (b) one of the following circumstances exists:
    - (i) the dental condition precludes the use of a removable prosthetic;
    - (ii) the recipient has a physical impairment that makes it impossible for him or her to place a removable prosthetic;
    - (iii) the recipient has an allergic reaction or other intolerance to the composition or materials used in a removable prosthetic,
    - (iv) the recipient has a mental condition that makes it impossible for him or her to assume responsibility for a removable prosthetic.
- (3) The minister must also be satisfied that a health supplement for crown and bridgework will be adequate to correct the dental condition.
- (4) A health supplement for crown and bridgework may not be provided in respect of the same tooth more than once in any period of 60 calendar months.

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## Denture supplements

- 5 The health supplements that may be provided under section 69 [*denture supplements*] of this regulation are denture services.

## Emergency dental supplements

- 6 The health supplements that may be paid for under section 70 [*emergency dental and denture supplements*] of this regulation are emergency dental services.

## Dental and optical services – healthy kids program

- 7 Subject to the following limits, the minister may pay under section 72 [*dental and optical supplements – healthy kids*] of this regulation for the following health care services for a child of a person who, when the service was provided, was receiving premium assistance:
- (a) basic dental services, to a maximum total of \$700 for each calendar year for all basic dental services provided to the child during the year;
  - (b) basic eyewear and repairs;
  - (c) pre-authorized eyewear and repairs;
  - (d) emergency dental services.

## Diet supplements

- 8 (1) The amount of a diet supplement that may be provided under section 73 [*diet supplement*] of this regulation is as follows:
- (a) \$10 for each calendar month for a person who requires a restricted sodium diet;
  - (b) \$35 for each calendar month for a person who has diabetes; (B.C. Reg. 60/2007)
  - (c) \$30 for each calendar month for a person who requires kidney dialysis if the person is not eligible under the kidney dialysis service provided by the Ministry of Health;
  - (d) \$40 for each calendar month for a person who requires a high protein diet;
  - (e) \$40 for each calendar month for a person who requires a gluten-free diet;
  - (f) \$40 for each calendar month for a person who has dysphagia;
  - (g) \$50 for each calendar month for a person who has cystic fibrosis.
- (2) A diet supplement under subsection (1) (d) may only be provided if the diet is confirmed by a medical practitioner or nurse practitioner as being necessary for one of the following medical conditions: (B.C. Reg. 317/2008)
- (a) cancer that requires nutritional support during
    - (i) radiation therapy,
    - (ii) chemotherapy,
    - (iii) surgical therapy, or

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- (iv) ongoing medical treatment;
  - (b) chronic inflammatory bowel disease;
  - (c) Crohn's disease;
  - (d) ulcerative colitis;
  - (e) HIV positive diagnosis;
  - (f) AIDS;
  - (g) chronic bacterial infection;
  - (h) tuberculosis;
  - (i) hyperthyroidism;
  - (j) osteoporosis;
  - (k) hepatitis B;
  - (l) hepatitis C.
- (3) A person who is eligible for a supplement under subsection (1) (d) or (f) is also eligible for a \$30 payment towards the purchase of a blender.
- (4) If a person has more than one of the medical conditions set out in subsection (1), the person may receive only the amount of the highest diet supplement for which he or she is eligible.

### Natal supplement

- 9** The amount of a natal supplement that may be provided under section 75 [*natal supplement*] of this regulation is as follows:
- (a) \$45 for each calendar month for a period set out in section 75 (2), or (B.C. Reg. 154/2005)
  - (b) \$90 for each calendar month for a period set out in section 75 (2) if the person (B.C. Reg. 154/2005)
    - (i) is pregnant with more than one child, as confirmed in writing by a medical practitioner, a nurse practitioner or a registrant of the College of Midwives of British Columbia, or (B.C. Reg. 317/2008)
    - (ii) gives birth to more than one child.

### Infant Formula

- 10** The minister may provide infant formula under section 74.1 of this regulation if
- (a) a medical practitioner or nurse practitioner confirms in writing that (B.C. Reg. 317/2008)
    - (i) the dependent child for whom a specialized infant formula is to be provided has a medical condition and the specialized infant formula is necessary to treat the medical condition, or
    - (ii) the dependent child for whom the infant formula is to be provided is at risk of contracting a disease that is transmissible through the mother's breast milk,
  - (b) in the case of a child described by paragraph (a) (ii), the child is under 12 months of age, and

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- (c) the minister is satisfied that the infant formula is medically required to treat the medical condition or respond to the risk referred to in paragraph (a).  
(B.C. Reg. 155/2005)

## Schedule D

### HARDSHIP ASSISTANCE

#### No entitlement to a specific amount of hardship assistance

- 1 (1) The minister may provide a family unit that is eligible for hardship assistance under Part 4 of this regulation an amount not exceeding the amounts authorized by this Schedule.
- (2) Subject to subsection (1), the actual amount of hardship assistance to be provided under this Schedule is in the discretion of the minister based on the financial need of the applicant's family unit.
- (3) Nothing in this Schedule or in Part 4 of this regulation entitles a family unit to a specific amount of hardship assistance.

#### Maximum amounts of hardship assistance

- 2 (1) The maximum amount that the minister may provide to a family unit that is eligible for hardship assistance under Part 4 of this regulation is the difference between
  - (a) the sum of the support allowance under Table 1 and the shelter allowances under Table 2 that apply to the applicant's family unit and any adjustment applicable under subsection (2), and
  - (b) the sum of
    - (i) the net income of the applicant's family unit, and
    - (ii) the value of the assets of the family unit that are immediately available to meet basic needs.
- (2) If the applicant's family unit includes one or more dependent children, the support allowance for the family may be adjusted as follows:
  - (a) for each dependent child, by an additional \$123.50 for the calendar month in which the dependent child is born;
  - (b) for each dependent child in the family unit and for whom a person in the family is entitled to the BC basic family bonus, by the result of
    - (i) \$123.50, minus
    - (ii) the amount of the family bonus payable to the person for that dependent child for the calendar month preceding the calendar month for which the allowance is paid;
  - (c) for each dependent child who has reached 18 years of age,
    - (i) for the calendar month following the calendar month in which the dependent child reached that age, by the result of \$123.50 minus

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the amount of family bonus payable to a person in the family unit for that dependent child for the calendar month in which the dependent child reached that age, and

(ii) for each subsequent calendar month, by an additional \$123.50.

(B.C.Reg. 286/2003)

- (3) In calculating the adjustment under subsection (2) (b) or (2) (c) (i), an amount that, under the *Income Tax Act* (British Columbia) or the *Income Tax Act* (Canada), is deducted or set off from the family bonus must be treated as if it was paid to a person in the family unit.
- (4) The support allowance under Table 1 may not be increased under subsection (2) (b) or (c) (i) if
  - (a) payment of the family bonus for the preceding calendar month is delayed or suspended for any of the reasons listed in section 61 [*advance for delayed or suspended family bonus*] of this regulation, or
  - (b) a person in the family unit refuses to accept or apply for the family bonus for the preceding calendar month.
- (5) If the size of the family unit exceeds 10 persons, the shelter allowance for the applicant's family unit may be increased by a maximum of \$35 for each person by which the family unit exceeds 10.
- (6) In subsection (1), "**net income**" means the amount of unearned income, plus the amount of earned income minus deductions for
  - (a) income tax,
  - (b) employment insurance,
  - (c) medical insurance,
  - (d) Canada Pension Plan,
  - (e) superannuation,
  - (f) company pension plan, and
  - (g) union dues.
- (7) If that portion of a child benefits cheque attributable to family bonus, the payee of which is a person in the applicant's family unit, includes an amount attributable to family bonus, for one or more calendar months preceding the calendar month in which the cheque was issued, the amount for each preceding calendar month must be treated as unearned income in determining the family unit's net income under subsection (1) (b).
- (8) For the purposes of subsection (7), an amount that, under the *Income Tax Act* (British Columbia) or the *Income Tax Act* (Canada), is deducted or set off from a family bonus must be treated as paid to a person in the applicant's family unit.
- (9) Subsection (7) does not apply to an amount included in that portion of a child benefits cheque attributable to family bonus
  - (a) to replace a lost or stolen cheque for which an amount was advanced under

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- section 60 [*advance for lost or stolen family bonus*] of this regulation,
- (b) to replace a cheque for which no amount was advanced under section 60 [*advance for lost or stolen family bonus*] of this regulation if the replacement is received in the calendar month following the calendar month for which the lost or stolen cheque was issued, or
  - (c) for a child in the home of a relative who resides with the applicant's family unit.

## **Purpose of support allowance**

- 3 Any amount provided under this Schedule for support is intended to be used by the recipient to meet the food, clothing and transportation needs of the family unit.

## **Maximum shelter allowance**

- 4 (1) An applicant is eligible for a shelter allowance for his or her family unit not exceeding the smaller of
  - (a) the family unit's actual shelter costs, and
  - (b) the maximum set out in Table 2 for the applicable family unit size.
  
- (2) If
  - (a) applicants in a family unit complete and submit an application for income assistance (part 2) form, and
  - (b) for the calendar month that includes the date of that application, a portion of the shelter costs for that family unit has been paid,the applicants may receive a shelter allowance under this Schedule of not more than the portion of the rent for that calendar month that remains unpaid on that date. (B.C. Reg. 304/2005)

## **Calculation of maximum amounts**

- 5 The following provisions apply, with the necessary modifications, to the calculation of the maximum support and shelter allowances for an applicant under this Schedule:
  - (a) section 4 (5) of Schedule A;
  - (b) section 5 of Schedule A;
  - (c) section 6 of Schedule A;
  - (d) section 9 of Schedule A.

## **Exempt income and assets**

- 6 No deduction is to be made for the following when calculating the maximum amount of hardship assistance for which an applicant's family unit is eligible under section 2:
  - (a) any earned income of a dependent child attending school on a full-time basis;
  - (b) income assistance paid for a child in the home of a relative;

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- (c) a family bonus, except the portion treated as unearned income under section 2 (7) of this Schedule;
- (d) Repealed; (B.C. Reg. 313/2007)
- (e) a goods and services tax credit under the *Income Tax Act* (Canada);
- (f) a sales tax credit under the *Income Tax Act* (British Columbia);
- (g) individual redress payments granted by the government of Canada to a person of Japanese ancestry;
- (h) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;
- (i) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus or to the surviving spouse or dependent children of that person;
- (j) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;
- (k) money that is
  - (i) paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or
  - (ii) paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry; (B.C. Reg. 276/2004)
- (l) money paid or payable under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid or payable under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
- (m) a rent subsidy provided by the provincial government, or by a council, board, society or governmental agency that administers rent subsidies from the provincial government;
- (n) an income tax refund, or part of an income tax refund, that arises by reason of a payment made by the government of British Columbia to the government of Canada on behalf of a person who incurred a tax liability due to income received under the Forest Worker Transition Program;
- (o) money paid or payable to a person in settlement of a claim of abuse at an Indian residential school, except money paid or payable as income replacement in the settlement;
- (p) post adoption assistance payments provided under section 28 (1) or 30.1 of the Adoption Regulation, B.C. Reg. 291/96;
- (q) a rebate of energy or fuel tax provided by the government of Canada, the government of British Columbia, or an agency of either government.

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- (r) the portion of Canada Pension Plan Benefits that is calculated by the formula  $(A - B) \times C$ , where
- A = the gross monthly amount of Canada Pension Plan Benefits received by an applicant or recipient;
  - B = (i) in respect of a family unit comprised of a sole applicant or a sole recipient with no dependent children, 1/12 of the amount determined under section 118 (1) (c) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act, or  
(iii) in respect of any other family unit, the amount under subparagraph (i), plus 1/12 of the amount resulting from the calculation under section 118 (1) (a) (ii) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act;
  - C = the sum of the percentages of taxable amounts set out under section 117 (2) (a) of the *Income Tax Act* (Canada) and section 4.1 (1) (a) of the *Income Tax Act*.  
(B.C. Reg. 57/2003)
- (s) payments granted by the government of British Columbia as Interim Early Intensive Intervention Funding;
- (t) payments granted by the government of British Columbia under section 8 of the *Child, Family and Community Service Act* [agreement with child's kin and others];
- (u) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program. (B.C. Reg. 115/2003)
- (v) payments granted by the Government of British Columbia under the Ministry of Children and Family Development's Extended Autism Intervention Program; (BC Reg. 209/2003)
- (w) payments granted by the Government of British Columbia under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*, for contributions to the support of a child to a person other than a parent of that child. (BC Reg. 209/2003)
- (x) a child disability benefit. (B.C. Reg. 461/2003)
- (y) payments granted by the government of British Columbia under the Ministry of Children and Family Development's
- (i) Autism Funding: Under Age 6 Program, or
  - (ii) Autism Funding: Ages 6 - 18 Program. (B.C. Reg. 22/2005)
- (z) a refund provided by the Fair PharmaCare program of the Ministry of Health.
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(B.C. Reg. 292/2005)

- (aa) funds held in a registered education savings plan. (B.C. Reg. 305/2005)
- (bb) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills programs, or a supported work placement program, approved by Community Living BC. (B.C. Reg. 192/2006)
- (cc) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990, except money paid under that agreement as income replacement. (B.C. Reg. 165/2007)
- (dd) funds held in, or money withdrawn from, a registered disability savings plan. (B.C. Reg. 362/2007)
- (ee) a working income tax benefit provided under the *Income Tax Act (Canada)*. (B.C. Reg. 48/2008)
- (ff) the low income climate action tax credit under section 8.1 of the *Income Tax Act*;
- (gg) the climate action dividend under section 13.02 of the *Income Tax Act*;

(B.C. Reg. 94/2008)

- (hh) money paid or payable to a person under the *Criminal Injury Compensation Act* as compensation for non-pecuniary loss or damage for pain, suffering mental or emotional trauma, humiliation or inconvenience that occurred when the person was under 19 years of age. (B.C. Reg. 87/2008)

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**Table 1**

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of support
1	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age	\$235.00
2	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment	\$282.92
3	Sole applicant/recipient and no dependent children	Applicant/recipient is 65 or more years of age	\$531.42
4	Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age	\$375.58
5	Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment	\$423.58
6	Sole applicant/recipient and one or more dependent children	Applicant/recipient is 65 or more years of age	\$672.08
7	Two applicants/recipients and no dependent children	Both applicants/recipients are under 65 years of age	\$307.22
8	Two applicants/recipients and no dependent children	One applicant/recipient is person who has persistent multiple barriers to employment and the other is not but both applicants/recipients are under 65 years of age	\$396.22
9	Two applicants/recipients and no dependent children	Both applicants/recipients are under 65 years of age and both are persons with persistent multiple barriers to employment	\$452.06
10	Two applicants/recipients and no dependent children	One applicant/recipient is under 65 years of age and the other is 65 or more years of age	\$700.56
11	Two applicants/recipients and no dependent children	Both applicants/recipients are 65 or more years of age	\$946.06
12	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age	\$401.06
13	Two applicants/recipients and one or more dependent children	One applicant/recipient is person who has persistent multiple barriers to employment and the other is not but both applicants/recipients are under 65 years of age	\$490.06
14	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age and both are persons who have persistent	\$546.06

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Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of support
		multiple barriers to employment	
<b>15</b>	Two applicants/recipients and one or more dependent children	One applicant/recipient is under 65 years of age and the other is 65 or more years of age	\$794.56
<b>16</b>	Two applicants/recipients and one or more dependent children	Both applicants/recipients are 65 or more years of age	\$1 043.06

(B.C. Reg. 57/2007)

**TABLE 2**

Item	Column 1 Family Unit Size	Column 2 Maximum Monthly Shelter
<b>1</b>	1 person	\$375
<b>2</b>	2 persons	\$570
<b>3</b>	3 persons	\$660
<b>4</b>	4 persons	\$700
<b>5</b>	5 persons	\$750
<b>6</b>	6 persons	\$785
<b>7</b>	7 persons	\$820
<b>8</b>	8 persons	\$855
<b>9</b>	9 persons	\$890
<b>10</b>	10 persons	\$925

(B.C. Reg. 57/2007)

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## SCHEDULE E

### EMPLOYABILITY SCREEN

Number	Criteria	Category of Response	Score
1	What is the person's age?	(a) under 19	0
		(b) 19 to 24 inclusive	1
		(c) 25 to 49 inclusive	0
		(d) 50 to 65 inclusive	0
2	Apart from the current application, how many times has the person been on Income or Social Assistance anywhere in Canada in the last 3 years?	(a) never	0
		(b) 1 to 3 times	1
		(c) more than 3 times	3
3	What is the total amount of time the person has spent on Income or Social Assistance in the last 3 years?	(a) less than 2 months	0
		(b) 2 to 12 months	3
		(c) more than 12 months	7
4	What is the highest level of education the person has completed?	(a) post-secondary program degree or diploma	1
			0
		(b) some post-secondary	0
		(c) high school/GED	1
		(d) grade 10 to grade 12	3
		(e) less than grade 10	0
(f) trade certificate			

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Number	Criteria	Category of Response	Score
5	What is the total amount of time the person has spent in paid employment over the last 3 years?	(a) more than 12 months (b) from 3 to 12 months (c) under 3 months (d) none or very limited work experience (e) volunteer work only	0      1      2      4      3
6	What is the person's English speaking ability or literacy level?	(a) good working knowledge of English  (b) English as a second language (ESL) or in need of English skills training	0   3
<b>TOTAL</b>			
		<b>Office use only:</b> Score only most applicable response	