

Employment And Assistance For Persons With Disabilities Regulation

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PART 1 – INTERPRETATION

1

Definitions

1 (1) In this regulation:

“**Act**” means the *Employment and Assistance for Persons with Disabilities Act*;

“**application for disability assistance**”. Repealed. (B.C. Reg. 306/2005)

“**application for disability assistance (part 1) form**” means the application for disability assistance (part 1) form prescribed by the minister;
(B.C. Reg. 306/2005)

“**application for disability assistance (part 2) form**” means the application for disability assistance (part 2) form prescribed by the minister;
(B.C. Reg. 306/2005)

“**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 disability 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. 461/2003)

(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**” has the same meaning as in the Employment and Assistance Regulation;

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

“**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 8 of the Act:

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

“**enquiry form**” Repealed. (B.C. Reg. 306/2005)

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

“**income assistance**” has the same meaning as in the *Employment and Assistance Act*;

“**minister**”, in relation to a power, duty or function that the minister has delegated under section 25 of the Act to another person, includes that other person;

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- “**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)
- “**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. 93/2005)
- “**student financial assistance**” means funding provided to students under the *Canada Student Financial Assistance Act* (Canada);
- “**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;
 - (i) financial assistance provided under the *Employment and Assistance 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;

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- (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. 345/2004)
 - (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).
- (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. 93/2005)

2

Daily living activities

- 2 (1) For the purposes of the Act and this regulation, “**daily living activities**”,
- (a) in relation to a person who has a severe physical impairment or a severe mental impairment, means the following activities:
 - (i) prepare own meals;
 - (ii) manage personal finances;
 - (iii) shop for personal needs;
 - (iv) use public or personal transportation facilities;
 - (v) perform housework to maintain the person’s place of residence in acceptable sanitary condition;

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- (vi) move about indoors and outdoors;
- (vii) perform personal hygiene and self care;
- (viii) manage personal medication, and
- (b) in relation to a person who has a severe mental impairment, includes the following activities:
 - (i) make decisions about personal activities, care or finances;
 - (ii) relate to, communicate or interact with others effectively.
- (2) For the purposes of the Act, “**prescribed professional**” means a person who is authorized under an enactment to practice the profession of
 - (a) medical practitioner,
 - (b) registered psychologist,
 - (c) registered nurse or registered psychiatric nurse,
 - (d) occupational therapist,
 - (e) physical therapist,
 - (f) social worker,
 - (g) chiropractor, or
 - (h) nurse practitioner.

(B.C. Reg. 196/2007)

PART 2 – ELIGIBILITY FOR DISABILITY ASSISTANCE

Division 1 – Applications and Applicant Requirements

3

Pre-application requirements

3 Repealed. (B.C. Reg. 306/2005)

4

Process for assessment of eligibility for disability assistance

4 The eligibility of a family unit for disability assistance must be assessed on the basis of the 2-stage process set out in sections 4.1 and 4.2. (B.C. Reg. 306/2005)

Application for disability assistance – stage 1

4.1 (1) The first stage of the process for assessing the eligibility of a family unit for disability assistance is fulfilling the requirements of subsection (2).
(B.C. Reg. 306/2005)

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- (2) The applicants for disability assistance in a family unit
- (a) must complete and submit to the minister an application for disability 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 6 (2), and
 - (ii) the information, authorizations, verifications and declarations specified by the minister, as required in the application for disability 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. 306/2005)
- (4) Subsection (2) (b) does not apply to a person who
- (a) is prohibited by law from working in Canada,
 - (b) has reached 65 years of age,
 - (c) is a member of a family unit that includes a person with disabilities, (B.C. Reg. 46/2008)
 - (d) is not a person with disabilities, but 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, or
 - (e) is fleeing an abusive spouse or relative.
- (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)

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Application for disability 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 disability 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. 306/2005)
- (2) The second stage of the process for assessing the eligibility of a family unit for disability assistance is fulfilling the requirements of subsection (3). (B.C. Reg. 306/2005)
- (3) On completion of the first stage process provided for in section 4.1, the applicants for disability assistance in the family unit must complete and submit to the minister an application for disability assistance (part 2) form and must include as part of the application
- (a) proof of the identity of the persons in the family unit and of their eligibility under the Act,
 - (b) subject to subsection (5), 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 disability assistance (part 2) form, and
 - (c) the information, authorizations, declarations and verifications specified by the minister as required in the application for disability assistance (part 2) form. (B.C. Reg. 306/2005)
- (4) Subsection (3) does not affect the minister’s powers under section 10 of the Act. (B.C. Reg. 306/2005)
- (5) Subsection (3) (b) does not apply to a person who
- (a) has reached 65 years of age,
 - (b) is not described in section 6 (2), or
 - (c) has a physical or mental condition that, in the minister’s opinion, precludes the person from completing an applicant orientation program. (B.C. Reg. 306/2005)

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

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5

Applicant requirements

- 5 For a family unit to be eligible for disability assistance or a supplement, an adult in the family unit must apply for the disability 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.

6

Citizenship requirements

- 6 (1) For a family unit to be eligible for disability 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 resident 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), disability 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 resident permit issued under the *Immigration and Refugee Protection Act* (Canada) or on a minister's permit issued under the *Immigration Act* (Canada),

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- (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), (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 disability assistance under Schedule A, hardship assistance under Schedule D or supplements under Part 5 of this regulation on account of or for the use or benefit of that person.

Division 2 – Income and Asset Restrictions

7

Effect of applicant applying for other sources of income

- 7 (1) In this section, “**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 disability assistance if an applicant in the family unit has applied for income from another source unless
- (a) the applicant enters into a repayment agreement with the minister,
 - (b) if the source of the other income is federal employment insurance under the *Employment Insurance Act* (Canada), the applicant, in addition to the requirement under paragraph (a), satisfies the minister that a direction has been completed in accordance with subsection (3), and
 - (c) if the source of the other income is a benefit under the *Canada Pension Plan* (Canada), the applicant, in addition to the requirement under paragraph (a), satisfies the minister that the applicant has made a Consent to Deduction and Payment form under the *Canada Pension Plan* (Canada) directing that
 - (i) an amount up to the amount of disability assistance provided to or for the family unit under this section be deducted from the amount of the Canada Pension Plan benefit, and
 - (ii) the amount deducted be paid to the minister.
- (3) A direction referred to in subsection (2) (b) must be completed under the *Employment Insurance Act* (Canada) by the applicant who applies for the federal
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employment insurance and must direct that

- (a) an amount equal to the amount of disability assistance provided to or for the family unit under this section be deducted from the employment insurance, and
- (b) the amount deducted be paid to the minister.

8

Requirement to apply for CPP benefits

- 8 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 disability 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 disability 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)

9

Limits on income

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

10

Asset limits

- 10 (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;
 - (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);

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- (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 disability assistance (part 2) form, and female stock held for stock replacement; (B.C. Reg. 306/2005)
- (l) essential equipment and supplies for farming and commercial fishing;
- (m) fishing craft and fishing gear owned and used by a commercial fisher;
- (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;

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- (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 8 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 under section 70.1 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 11 (2) [*asset development accounts*] or 12 (2) [*assets held in trust for person with disabilities*].
- (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 - 18 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

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- 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)
- (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. 461/2003)
- (2) A family unit is not eligible for disability assistance if any of the following apply:
- (a) a sole applicant or recipient has no dependent children and has assets with a total value of more than \$3 000;
 - (b) an applicant or recipient has one or more dependants and the family unit has assets with a total value of more than \$5 000.
- (3) The minister may authorize one or more of the following:
- (a) that the total cash surrender value of an uncashed life insurance policy of an applicant or recipient is not to be included as an asset of the family unit 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.

11

Asset development accounts

11 (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

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- (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 10 (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.

12

Assets held in trust for person with disabilities

- 12 (1) In this section, **“disability-related cost”** means the cost of providing to a person with disabilities or 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 person's independence, and
 - (e) if a person with disabilities does not reside in a special care facility, a private hospital or an extended care unit in a hospital,
 - (i) renovations to the person's place of residence necessary to accommodate the needs resulting from the person's disability, and
 - (ii) necessary maintenance for that place of residence.
- (2) If a person referred to in subsection (1) complies with subsection (4), 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:
- (a) 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
 - (b) any capital subsequently contributed to a trust referred to in paragraph (a), is exempt for the purposes of section 10 (2) *[asset limits]*.
- (3) If the minister is satisfied that, because of special circumstances, the lifetime

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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 defined in the *Patients Property Act*, who is a person with disabilities 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

13

Effect of strike or lockout on eligibility

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

14

Effect of being in prison or other lawful place of confinement

- 14 A person is not eligible for disability 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.

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15

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

- 15 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 disability assistance or hardship assistance unless the minister has given prior authorization for the continuance of disability 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.

Division 4 – Assignment of Maintenance Rights

16

Definitions for division

- 16 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*; (B.C. Reg. 316/2006)
 - “**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 Maintenance Enforcement Act*;
 - “**maintenance rights**” means any of the maintenance rights set out in section 18 [categories of maintenance rights];
 - “**spouse**” includes a former spouse.

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17

Categories of persons who must assign maintenance rights

- 17 (1) For a family unit to be eligible for disability 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 18 [*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 6 (2) (a) to (f) [*citizenship requirements*].

18

Categories of maintenance rights

- 18 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;
 - (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
-

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- (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.

19

Notice of assignment

- 19**
- (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 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.

20

How long an assignment is in effect

- 20**
- (1) An assignment under this Division ends when
 - (a) the assignor no longer receives disability assistance or hardship assistance,
 - (b) all disability 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 the minister or the assignor delivers written notice by ordinary mail to the other of the termination.

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- (4) If an assignor no longer receives disability assistance or hardship assistance and amounts owing to the government under this Division still remain unrecovered, then, despite section 18 [*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.

21

Terms to be included in the assignment

- 21 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 18 [*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 disability 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. 316/2006)

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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. 316/2006)
- (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 disability 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 disability 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 maintenance owed to the government, and

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- (v) enforce the maintenance order with respect to arrears owed to the government;
- (f) the assignment ceases to have effect when
 - (i) disability 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.

22

Failure to comply with terms of assignment

- 22 (1) If an assignor who is receiving disability assistance or hardship assistance fails to comply with the terms of an assignment referred to in section 21 (c) [*terms to be included in the assignment*], the assignor's family unit may be declared ineligible for disability 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 Disability Assistance

23

Effective date of eligibility

- 23 (1) Subject to subsection (1.1), the family unit of an applicant for designation as a person with disabilities or for both that designation and disability assistance
- (a) is not eligible for disability assistance until the first day of the month after the month in which the minister designates the applicant as a person with disabilities, and
 - (b) on that date, the family unit becomes eligible under section 4 and 5 of Schedule A for that portion of that month's shelter costs that remains unpaid on that date.
- (1.1) A family unit of an applicant who applies for disability assistance while the applicant is 17 years of age and who the minister has determined will be designated as a person with disabilities on his or her 18th birthday
- (a) is eligible for disability assistance on that 18th birthday, and
 - (b) on that date, is eligible under section 4 and 5 of Schedule A for that portion of the month's shelter costs that remains unpaid on that date.
- (1.2) A family unit of an applicant for disability assistance who has been designated as
-

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a person with disabilities becomes eligible for

- (a) a support allowance under sections 2 and 3 of Schedule A on the date of the applicant's submission of the application for disability assistance (part 2) form,
 - (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 disability assistance (part 2) form, but only for that portion of that month's shelter costs that remains unpaid on the date of that submission, and
 - (c) for disability assistance under section 6 to 9 of Schedule A on the date of the applicant's application for disability assistance (part 2) form.
- (2) A family unit is not eligible for a supplement in respect of a period before the minister determines the family unit is eligible for it.
- (3.1) 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 16 (1) of the Act [*reconsideration and appeal rights*] in relation to the supplement.
- (3.2) If the tribunal rescinds a decision of the minister determining that a person does not qualify as a person with disabilities, the person's family unit is eligible to receive disability 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 16 (1) of the Act [*reconsideration and appeal rights*] in relation to the designation.

(B.C. Reg. 340/2008)

- (4) If a family unit that includes an applicant who has been designated as a person with disabilities does not receive disability assistance 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 for disability assistance;
 - (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.

24

Amount of disability assistance

- 24 Disability 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.

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

Division 1 – Factors Related to Employment and Employment Plans

25

Consequences of failing to meet employment-related obligations

- 25 (1) For the purposes of section 12 (2) (a) [*consequences of not meeting employment-related obligations*] of the Act,
- (a) for a default referred to in section 12 (1) (a) of the Act, the disability 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 disability assistance (part 2) form under this regulation; (B.C. Reg. 306/2005)
 - (ii) the date the default occurred, and
 - (b) for a default referred to in section 12 (1) (b) of the Act, the disability 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 disability assistance or hardship assistance provided to the family unit has been reduced for one calendar month;
 - (ii) a the minister is satisfied that the applicant or recipient who committed the default is demonstrating reasonable efforts to search for employment.
- (2) The reduction under subsection (1) applies in respect of each applicant or recipient in a family unit who does anything prohibited under section 12 (1) [*consequences of not meeting employment-related obligations*] of the Act.
- (3) For the purposes of section 12 (2) (b) [*consequences of not meeting employment-related obligations*] of the Act, the period of ineligibility for disability assistance lasts
- (a) for a default referred in to section 12 (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 disability assistance (part 2) form under this regulation; (B.C. Reg. 306/2005)
 - (ii) the date the default occurred, and
 - (b) for the default referred to in section 12 (1) (b) of the Act, until the later of the following has occurred:
-

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- (i) the family unit has been ineligible for disability 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.
- (4) Section 12 [*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, 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) applicants or recipients in family units that include only applicants or recipients who are
 - (i) persons with
 - (A) a drug or alcohol problem,
 - (B) a mental health condition, or
 - (C) a medical conditionthat, in the minister's opinion, interferes with their ability to search for, accept or continue in employment,
 - (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

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- 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 6 (2) [*citizenship requirements*].
 - (v) persons who have reached 65 years of age. (B.C. Reg 116/2003)
- (h) 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. (B.C. Reg. 287/2003)
- (i) 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)
- (j) 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)

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

- 26** For the purposes of section 9 (5) [*employment plan*] of the Act, if a dependent youth fails to enter into or comply with the conditions in an employment plan when required to do so by the minister, the disability 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

27

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

- 27** (1) For the purposes of section 13 (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 13 (1) (a) of the Act, the amount of a

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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
 - (b) 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 13 (3) (b) of the Act for disability 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 13 (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 13 (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 13 (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.
- (5) For the purposes of section 13 (2) 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

28

Consequences of failing to provide information or verification when directed

- 28
- (1) For the purposes of section 10 (4) [*information and verification*] of the Act, the period for which the minister may declare the family 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,
-

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- (a) the amount by which the minister may reduce the disability 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 disability 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

- 28.1** If the minister determines under section 14.1 (1) of the Act that the minister may take action under section 14.1 (2) of the Act in relation to a family unit, the disability 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 disability 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 disability assistance or hardship assistance is provided to or for the family unit,
 - (b) a second determination, for the next 6 calendar months for which disability 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 disability 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 disability 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 disability assistance or hardship assistance is provided to or for the family unit.

(BC Reg. 193/2006)

29

Monthly reporting requirement

- 29** For the purposes of section 11 (1) (a) [*reporting obligations*] of the Act,
- (a) the report must be submitted by the 5th day of the calendar month following the calendar month in which there is a change that is listed in paragraph (b), and

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- (b) the information required is all of the following, as requested in the monthly report form prescribed under the Forms Regulation:
 - (i) change in the family unit's assets;
 - (ii) change in income received by the family unit and the source of that income;
 - (iii) change in the employment and educational circumstances of recipients in the family unit;
 - (iv) change in family unit membership or the marital status of a recipient.

(BC Reg. 335/2007)

30

Requirement for eligibility audit

- 30** (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;
 - (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).

Division 4 – Effect on Eligibility of Convictions or Admissions

31

Criminal Code convictions

- 31** For the purposes of section 14 (5) (b) of the Act [*consequences for conviction*,
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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 Act* by fraud or false or misleading representation must be reduced

- (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.

32

Convictions under the Act or the *Employment and Assistance Act*

32 For the purposes of section 14 (5) (b) [*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 of an offence under the Act or the *Employment and Assistance 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,
- (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.

33

Declaration under section 14 (3) of the Act respecting acknowledgement or judgment

33 If the minister has made a declaration under section 14 (3) [*consequences for conviction, or judgment*] of the Act in respect of a family unit, for the purposes of section 14 (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 disability assistance,
 - (i) after a first judgment, for 3 calendar months,
 - (ii) after a second judgment, for 6 calendar months, and
-

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- (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 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;
- (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;

(B.C. Reg. 193/2006)

34

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

- 34 (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

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- disability 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 disability 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 *BC Benefits (Youth Works) Act*.
 - (3) The minister may declare a family unit ineligible for disability 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 *BC Benefits (Youth Works) Act* 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

35

Hardship assistance – eligibility and limitations

- 35 (1) For a family unit to be eligible for hardship assistance, the family unit
 - (a) must be ineligible for disability assistance for one or more reasons set out in sections 37 to 42.1, and (B.C. Reg. 102/2008)
 - (b) must not be ineligible for disability 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 contains the date of the applicant's submission of the application for disability assistance (part 2) form, and (B.C. Reg. 306/2005)
-

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- (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 section 37, 39 or 41 is not eligible for hardship assistance under any of those sections for the 3 consecutive calendar months immediately following those 3 calendar months of receipt. (B.C. Reg. 161/2004)

36

Rules about applications, payments, etc.

- 36** 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 disability assistance – stage 1*];
 - (a.2) section 4.2 [*application for disability assistance – stage 2*];
(B.C. Reg. 313/2007)
 - (b) section 5 [*applicant requirements*];
 - (c) section 6 [*citizenship requirements*];
 - (d) section 7 [*effect of applying for other sources of income*];
 - (e) section 8 [*requirement to apply for CPP benefits*];
 - (f) section 9 [*limits on income*];
 - (g) section 10 [*asset limits*].

37

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

- 37** The minister may provide hardship assistance to a family unit that is not eligible for disability 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.

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

38.1

Applicants who fail to provide sponsorship information

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38.1 The minister may provide hardship assistance to the family unit of an applicant described in section 6 (1) (a) or (b) [citizenship requirements] that is not eligible for disability 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)

39

Family units that have excess income

39 The minister may provide hardship assistance to a family unit that is not eligible for disability assistance because the income of the family unit exceeds the limit under section 9 [*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 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 disability assistance could not, in the minister’s opinion, reasonably be expected to be used to meet the family unit’s basic needs.

40

Applicant on strike or locked out

40 The minister may provide hardship assistance to a family unit that is not eligible for disability 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.

41

Family units that have excess assets

41 The minister may provide hardship assistance to a family unit that is not eligible for

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disability assistance because the assets of the family unit exceed the applicable limit under section 10 (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
 - (ii) includes only persons who have reached 65 years of age.

42

Family units ineligible or declared ineligible under section 34 [consequences for conviction, acknowledgment, etc. under a former Act]

42 The minister may provide hardship assistance to a family unit that is ineligible or declared ineligible under section 34 [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.

42.1

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

42.1 (1) In the circumstances described in subsection (2), the minister may provide hardship assistance to a family unit that under section 14 (5) (a) [consequences for conviction or judgment in relation to Act] of the Act is not eligible for disability assistance because it includes only

- (a) persons convicted of an offence under the *Criminal Code*, this Act or the *Employment and Assistance Act* in relation to obtaining money under this Act or the *Employment and Assistance Act* by fraud or false or misleading representation,
- (b) persons convicted of an offence under this Act or the *Employment and Assistance Act*, or
- (c) persons in respect of whom

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- (i) a court has given judgment in favour of the government in an action for debt for obtaining disability assistance, hardship assistance or a supplement under this Act or income assistance, hardship assistance or a supplement under the *Employment and Assistance Act*, for which he or she was not eligible, and
 - (ii) the minister has made a declaration under section 14 (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 Disability Assistance

43

Supplement for purchase of co-op housing shares

- 43 (1) To enable the family unit of a recipient of disability 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 disability assistance or income 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
-

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immediately before its repeal.

43.1

Pre-natal shelter supplement

- 43.1** (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 disability 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)

44

Christmas supplement

- 44** (1) The minister may provide an annual Christmas supplement to or for a family unit that is eligible for disability assistance.
- (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.

45

School start-up supplement

- 45** (1) The minister may provide an annual school start-up supplement to or for a family unit that is eligible for disability assistance if the family unit includes a dependent child 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.

46 Repealed. (B.C. Reg. 192/2006)

Community volunteer supplement

- 47** (1) The minister may provide to or for a family unit that is eligible for disability

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assistance a supplement of up to \$100 for each calendar month for each recipient or dependent child who has reached 15 years of age 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
- (a) section 48 [*monthly incentive supplement*], for the use or benefit of that recipient or dependent child,
 - (b) section 49 [*training initiative supplement*], for the use or benefit of that recipient or dependent child, or
 - (c) section 54 (2) [*supplements related to employment plan*], for the use or benefit of that recipient or dependent child.

(B.C. Reg. 47/2008)

48

Monthly incentive supplement

- 48** (1) The minister may provide an incentive supplement to or for a family unit that is eligible for disability assistance to enable a recipient to participate in a vocational, self-improvement or other program to prepare the recipient for employment.
- (2) The following is the amount of an incentive supplement:
- (a) \$50 for each calendar month for a recipient if
 - (i) the family unit does not include a dependent child, and
 - (ii) the recipient does a minimum of 20 hours of work experience in the previous calendar month;
 - (b) \$100 for each calendar month for a recipient if
 - (i) the family unit includes a dependent child, and
 - (ii) the recipient does a minimum of 40 hours of work experience in the previous calendar month.
- (3) Only 6 monthly payments may be made to a family unit under this section on account of a particular recipient over a period of 36 consecutive months, beginning with the month in which the supplement was first provided to or for the family unit on account of that recipient.
- (4) No supplement may be provided under this section for a recipient who is receiving a supplement under section 47 [*community volunteer supplement*] or section 49 [*training initiative supplement*].

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49

Training initiative supplement

- 49 (1) The minister may provide a training initiative supplement to or for a family unit that is eligible for disability assistance of \$50 each month towards the expenses of a recipient or a dependant in the family unit of participating in a training initiative program established under section 8 of the Act.
- (2) Only 6 monthly payments may be made under this section in respect of a recipient or dependent over any period of 36 consecutive months, beginning with the month the recipient first receives the supplement, unless more payments are authorized under subsection (3).
- (3) The minister may authorize up to 6 more monthly payments, if satisfied that the person participating in the training initiative program would, because of the nature of the person's disability, benefit from more participation.
- (4) No supplement may be provided under this section in respect of a person for whom a supplement is being provided under section 47 [*community volunteer supplement*] or section 48 [*monthly incentive supplement*].

50

Clothing supplement for people in specified special care facilities

- 50 (1) The minister may provide a supplement, for the purchase of necessary clothing, to a person with disabilities who is eligible for disability assistance and receives accommodation and care in a special care facility 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.
- (2) Subsection (1) does not apply if the special care facility is an alcohol and drug treatment centre or a special care facility described in section 8 (3) of Schedule A.

(B.C. Reg. 70/2007)

50.1

Transportation to special care facilities supplement

- 50.1 (1) Subject to subsection (2), the minister may provide a supplement to a recipient

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who is eligible for disability 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. 6/2007)

51

Bus pass supplement

- 51 (1) The minister may provide a supplement to or for a family unit that is eligible for disability assistance and contributes \$45 to the cost to provide an annual pass for the personal use of
- (a) a person with disabilities in the family unit, or
 - (b) the spouse of that person if that spouse
 - (i) is 60 or more years of age,
 - (ii) receives the federal spouse's allowance or federal guaranteed income supplement, or
 - (iii) 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*.

52

Reconsideration or appeal supplement

- 52 (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.

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- (2) The minister may provide a supplement to or for a family unit that is eligible for disability assistance if a recipient in the family unit delivers a request for a reconsideration under section 71 [*how a request to reconsider a decision is made*] or an appeal form under section 84 [*commencing an appeal*] of the Employment and Assistance Regulation in respect of a decision that resulted in a discontinuation or reduction of disability assistance or a 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 disability 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 disability assistance or a supplement, the amount of the discontinued disability 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 disability assistance or a supplement, the amount by which the disability 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 disability assistance or supplement, or
 - (b) the amount by which the disability 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

53

Supplement to obtain proof of identity

- 53 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 disability assistance.

Division 3 – Supplements – Family Unit Eligible for Disability Assistance or Hardship Assistance

54

Supplements related to employment plan

- 54 (1) The minister may provide any of the following supplements to or for a family unit that is eligible for disability 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 disability 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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54.1

Confirmed job supplement

54.1 The minister may provide a supplement of up to a maximum of \$1 000 to or for a family unit that is eligible for disability 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 disability 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. 313/2002)

55

Supplements for moving, transportation and living costs

55 (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 disability assistance 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 a 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.

(g) 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 fulfil

in connection with the exercise of a maintenance right assigned to the minister under section 17 [*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.

56

Supplement to pay a security deposit

56 (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 disability 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 disability assistance or hardship assistance

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provided to or for the family unit starting with the disability assistance or hardship 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) Disability Benefits Program Regulation, B.C. Reg. 79/97,
 - (b) Income Assistance Regulation, B.C. Reg. 75/97,
 - (c) Youth Works Regulation, B.C. Reg. 77/97, or
 - (d) Employment and Assistance Regulation.

56.1

Supplement to pay a utility security deposit

- 56.1** (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 disability assistance or hardship assistance, in an amount not to exceed the minimum amount required by the 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 disability assistance or hardship assistance

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provided to or for the family unit starting with the disability assistance or hardship assistance provided for the calendar month following the calendar month during which the utility security deposit is paid. (B.C. Reg. 317/2006)

57

Crisis supplement

- 57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability 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.

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- (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 disability assistance or hardship assistance that may be 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. 13/2003)

58

Advance for lost or stolen family bonus cheque

- 58**
- (1) The minister may provide a supplement to or for a family unit that is eligible for disability 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.

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59

Advance for delayed or suspended family bonus

- 59 (1) The minister may provide a supplement to or for a family unit that is eligible for disability assistance or hardship assistance as an advance for delayed, cancelled or suspended family bonus if that
- (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,
 - (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. 286/2003)
- (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.

60

Guide animal supplement

- 60 The minister may provide a supplement of \$95 for each calendar month to or for a family unit that is eligible for disability assistance or hardship assistance for the maintenance of a guide animal if the guide animal is
- (a) certified under the *Guide Animal Act*, and

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- (b) used by a person in the family unit.
(B.C. Reg. 59/2007)

61

Canada Pension Plan adjustment supplement

- 61 Repealed. (B.C. Reg. 52/2005)

Division 4 – Health Supplements

62

General health supplements

- 62 (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 is
 - (a) a recipient of disability assistance,
 - (b) a person with disabilities who has not reached 65 years of age and who has ceased to be eligible for a disability assistance because of
 - (i) employment income earned by the person or the person's spouse,
 - (ii) a pension or other payment under the *Canada Pension Plan* (Canada), or
 - (iii) money received by the person or the person's spouse under the settlement agreement approved by the Supreme Court in Action No. S50808, Kelowna Registry. (B.C. Reg. 92/2005)
 - (c) a person who was a recipient of disability assistance on the day he or she became 65 years of age and a dependant of that person, if the dependant was a dependant of the person on that day and remains a dependant of that person,
 - (d) a dependant of a person referred in paragraphs (a), (b) or (f),
(B.C. Reg. 170/2008)
 - (e) a dependent child of a recipient of hardship assistance, or
 - (f) a person with disabilities who has ceased to be eligible for disability assistance because 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 the person's spouse, (B.C. Reg. 170/2008)
 - (2) A person referred to in subsection (1) (b) or (f) and his or her dependants and a person referred to in subsection (1) (c) cease to be eligible for any supplement under this division if the person's family unit takes up residence outside British Columbia. (B.C. Reg. 170/2008)
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Optical supplements

- 62.1** (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 disability assistance,
 - (b) a recipient of hardship assistance, other than under section 38 [*applicants who do not meet citizenship requirements*],
 - (c) a dependent child of a recipient referred to in paragraph (a) or (b),
 - (d) a person with disabilities who has not reached 65 years of age and who has ceased to be eligible for disability assistance because of
 - (i) employment income earned by the person or the person's spouse, or
 - (ii) a pension or other payment under the *Canada Pension Plan* (Canada),
 - (e) a dependant of a person referred to in paragraph (d), if the dependant was a dependant of the person on the day the person ceased to be eligible for disability assistance and remains a dependant of that person,
 - (f) a person who was in receipt of disability assistance on the day he or she reached 65 years of age, or
 - (g) a dependant of a person referred to in 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,
 - (h) a person referred to in section 62 (1) (f). (B.C. Reg. 170/2008)
- (2) A person referred to in subsection (1) (d), (e), (f) or (g) 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)

Eye examination supplements

- 62.2** (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 disability assistance,
 - (b) a recipient of hardship assistance, other than under section 38 [*applicants who do not meet citizenship requirements*],
 - (c) a person with disabilities who has not reached 65 years of age and who has ceased to be eligible for disability assistance because of
 - (i) employment income earned by the person or the person's spouse, or
 - (ii) a pension or other payment under the *Canada Pension Plan* (Canada),
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- (d) a dependant of a person referred to in paragraph (c), if the dependant was a dependant of the person on the day the person ceased to be eligible for disability assistance and remains a dependant of that person, or
 - (e) a dependant of a person who was in receipt of disability assistance on the day he or she reached 65 years of age, 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,
 - (f) a person referred to in section 62 (1) (f). (B.C. Reg. 170/2008)
- (2) A person referred to in subsection (1) (c), (d) or (e) ceases to be eligible for a supplement under this section if the person's family unit takes up residence outside British Columbia.
 - (3) 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.
 - (4) 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)

Dental supplements

- 63** 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 eligible for health supplements under section 62 (1) (a) to (d) or (f) [*general health supplements*]. (B.C. Reg. 170/2008)

Crown and bridgework supplement

- 63.1** (1) The minister may provide a crown and bridgework supplement under section 4.1 of Schedule C to any of the following persons:
- (a) a recipient of disability assistance;
 - (b) a person with disabilities who has not reached 65 years of age and who has ceased to be eligible for disability assistance because of
 - (i) employment income earned by the person or the person's spouse, or
 - (ii) a pension or other payment under the *Canada Pension Plan* (Canada);
 - (c) a person with disabilities who was a recipient of disability assistance on the day he or she became 65 years of age;
 - (d) a person referred to in section 62 (1) (f). (B.C. Reg. 170/2008)
- (2) A person referred to in subsection (1) (b) or (c) ceases to be eligible for the supplement if the person's family unit takes up residence outside of British Columbia.

Emergency dental and denture supplements

- 64** The minister may provide any a health supplements set out in section 5 of Schedule C
-

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to or for a family unit if the health supplement is provided to or for a person in the family unit who is eligible for health supplements under section 62 (1) [*health supplements*].

Orthodontic supplement

- 65** (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 person with disabilities who is eligible for health supplements under section 62 (1) (a), (b) or (f), or (B.C. Reg. 170/2008)
 - (b) a dependent child of a person referred to in paragraph (a).
- (2) For a person referred to in subsection (1) to be eligible for orthodontic supplements, the person's family unit must have no resources available to cover the cost of the orthodontic supplements and the person must
- (a) have severe skeletal dysplasia with jaw misalignment by 2 or more standard deviations, and
 - (b) obtain prior authorization from the minister for the orthodontic supplements.
- (3) Repealed (B.C. Reg. 313/2007)

66

Diet supplement

- 66** (1) The minister may pay for a diet supplement in accordance with section 6 [*diet supplements*] of Schedule C for a recipient of disability 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 a dependant of that person if the recipient or dependant requires a special diet for a specific medical condition described in section 6 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)
- (3) The minister may not provide a supplement under this section to or for a family unit for a person on account of whom the minister is providing a supplement under section 67 (1) or (3) [*nutritional supplements*]. (B.C. Reg. 288/2003)

67

Nutritional supplement

- 67** (1) The minister may provide a nutritional supplement in accordance with section 7
-

Employment And Assistance For Persons With Disabilities Regulation

[*monthly nutritional supplement*] of Schedule C to or for a person with disabilities in a family unit who receives disability assistance under

- (a) 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
- (b) section 8 [*people receiving special care*] of Schedule A, if the special care facility is an alcohol or drug treatment center

if the minister is satisfied that all of the following conditions are met:

- (c) the minister receives a completed request in the form specified by the minister in which a medical practitioner or nurse practitioner has confirmed that
 - (i) the person with disabilities to whom the request relates is being treated by the medical practitioner or nurse practitioner for a chronic, progressive deterioration of health on account of a severe medical condition,
(B.C. Reg. 317/2008)
 - (ii) as a direct result of the chronic, progressive deterioration of health, the person displays one or more of the following symptoms:
 - (A) malnutrition;
 - (B) underweight status;
 - (C) significant weight change;
 - (D) muscle mass loss;
 - (E) bone density loss;
 - (F) neurological degeneration;
 - (G) significant deterioration of an organ;
 - (H) moderate to severe immune suppression,
 - (iii) for the purpose of alleviating a symptom referred to in subparagraph (ii), the person requires one or more of the items set out in section 7 of Schedule C and specified in the request, and
 - (iv) failure to obtain the items referred to in subparagraph (iii) will result in imminent danger to the person's life;
- (d) the person is not receiving a supplement under section 2 (3) [*general health supplement*] of Schedule C;
- (e) the person is not receiving a supplement under subsection (3) or section 66 [*diet supplements*];
- (f) the person complies with any requirement of the minister under subsection (2);
- (g) the person's family unit does not have any resources available to pay for the items for which the supplement may be provided.

(2) In order to determine or confirm the need or continuing need of a person for whom

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a supplement is provided under subsection (1), the minister may at any time require that the person obtain a medical opinion from a medical practitioner other than the medical practitioner referred to in subsection (1) (c).

- (3) The minister may provide a nutritional supplement for a period of 3 calendar months to or for a family unit if the supplement is provided to or for a recipient of disability assistance or a dependent child of a recipient of disability assistance if
- (a) the recipient or dependent child is not receiving a supplement under subsection (1) of this section or 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
 - (iii) side effects of medical treatment.

Tube feed nutritional supplement

- 67.01** (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 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 disability assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*], 7 [*people over 65 years of age*], 8 (3) [*persons in special care facility*] 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 eligible to receive a health supplement under
 - (i) section 62 (1) (b) and was receiving a tube feed nutritional supplement on the date the person ceased to be eligible for disability assistance,
 - (ii) section 62 (1) (c) as a person who was a recipient of disability assistance on the day he or she became 65 years of age and was receiving a tube feed nutritional supplement on that day,
 - (iii) section 62 (1) (c) as a dependant of a person who was a recipient of disability assistance on the day that person became 65 years of age
-

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and was receiving a tube feed nutritional supplement on that day,

- (iv) section 62 (1) (d) as a dependant of a person referred to in section 62 (1) (b) or (f) and was receiving a tube feed nutritional supplement on the date the person referred to in section 62 (1) (b) or (f), as the case may be, ceased to be eligible for disability assistance, or
- (v) section 62 (1) (f) and was receiving a tube feed nutritional supplement on the date the family unit ceased to be eligible for disability assistance, or
- (d) 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 66 [*diet supplement*] or 67 [*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. 339/2008)

67.1

Infant health supplement

67.1 The minister may provide the type of health supplement referred to in section 9 of Schedule C, in accordance with that section, to or for a dependent child of any of the following:

- (a) a recipient of disability assistance under Schedule A;
- (b) a recipient of hardship assistance under Schedule D;
- (c) a person referred to in section 62 (1) (b) or (f); (B.C. Reg. 170/2008)
- (d) a person who was a recipient of disability assistance on the day he or she became 65 years of age. (B.C. Reg. 159/2005)

68

Natal supplement

- 68** (1) The minister may provide a natal supplement in accordance with section 8 [*natal supplement*] of Schedule C if the supplement is provided to or for a person in the family unit who is a recipient of disability assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and*

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board] or 9 [*people in emergency shelters*] of Schedule A or a dependent of the recipient.

- (2) A family unit is eligible to receive the natal supplement while
 - (a) the recipient or dependent 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) a recipient or dependent has a dependent child under 7 months of age.

69

Health supplement for persons facing life threatening health need

- 69** The minister may provide any health supplement set out in Schedule C [*health supplements*] to 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.

70

Supplement for alcohol or drug treatment

- 70** (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 disability assistance or a dependent child of a recipient of disability 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
 - (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.

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Division 5 – Supplements – Eligibility for Employment-related Programs

Business plan

- 70.1** (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 purpose.
- (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

- 70.2** 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 any report required under section 29, 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)

Part 6 – Reconsiderations and Appeals

71

How a request to reconsider a decision is made

- 71** (1) A person who wishes the minister to reconsider a decision referred to in section 16 (1) [*reconsideration and appeal rights*] 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 16 (1) of the Act and may be delivered by
- (a) leaving with an employee in the ministry office, or
 - (b) being received through the mail at that office.

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72

Time limit for reconsidering decision

- 72** The minister must reconsider a decision referred to in section 16 (1) of the Act, and mail a written determination on the reconsideration to the person who delivered the request under section 71 (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. 76/2008)

73

Decisions that may not be appealed

- 73** (1) The following categories of supplements may not be appealed to the tribunal:
- (a) Repealed (B.C. Reg. 313/2007)
 - (b) reconsideration and appeal supplements under section 52;
 - (c) supplements related to employment plans under section 54;
 - (d) access to a program established or funded under the Act.
 - (e) confirmed job supplements under section 54.1. (B.C. Reg. 313/2002)
- (2) A decision to refuse to provide disability 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.

Part 7 – General and Transitional Provisions

74

Deductions for debts owed

- 74** For the purposes of section 19 (1) (b) [*liability for and recovery of debts under the Act*] of the Act, the minimum amount that may be deducted is \$10 each calendar month.

75

Prescribed enactments for purposes of sections 19 (1) (b) and 20 (2) [*no garnishment, attachment, execution or seizure*] of the Act

- 75** The following Acts are prescribed:
- (a) for the purposes of section 19 (1) (b) of the Act, the *Employment and Assistance Act*;

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- (b) for the purposes of section 20 (2) of the Act, the *Employment and Assistance Act*.

How assistance is provided

75.1 The minister may provide

- (a) disability assistance or hardship assistance to or for a recipient by cheque or 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. 8/2008)

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

77

Replacement of lost or stolen assistance cheque

77 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.

78

Transition in respect of the change to asset limits

78 Despite any repeal and replacement of section 6 (1) (b) and (2) (b) of the Disability Benefits Program Regulation, B.C. Reg. 79/97, section 6 (1) (b) and (2) (b) of the Disability Benefits Program Regulation as it read on March 31, 2002, applies to the family unit of a recipient until the date the person's eligibility is next audited under section 30 [*requirement for eligibility audit*].

79

Transition in respect of repealed provisions

- 79** (1) In this section, “**repealed provision**” means section 18, 19 or 20 (2) (a) or (g) of the Disability Benefits Program Regulation, B.C. Reg. 77/97 in force on March 31, 2002.
- (2) The minister must not provide assistance authorized under a repealed provision

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except an amount awarded on an appeal in respect of a calendar month prior to April, 2002.

Transitional benefit to attend mental health activity centre

- 80** 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.

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Schedule A

DISABILITY ASSISTANCE RATES

(section 24 (a))

Maximum amount of disability assistance before deduction of net income

- 1** Subject to sections 3 and 6 to 9 of this Schedule, the amount of disability assistance referred to in section 24 (a) [*amount of disability 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 a person with disabilities	\$531.42
2	Sole applicant/recipient and one or more dependent children	Applicant/recipient is a person with disabilities	\$672.08
3	Two applicants/recipients and no dependent children	One applicant/recipient is a person with disabilities, the other is not a person with disabilities and is under 65 years of age	\$700.56
4	Two applicants/recipients and no dependent children	Both applicants/recipients are persons with disabilities	\$949.06
5	Two applicants/recipients and no dependent children	One applicant/recipient is a person with disabilities, the other is not a person with	\$949.06

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		disabilities and is 65 or more years of age	
6	Two applicants/recipients and one or more dependent children	One applicant/recipient is a person with disabilities, the other is not a person with disabilities and is under 65 years of age	\$794.56
7	Two applicants/recipients and one or more dependent children	Both applicants/recipients are persons with disabilities	\$1 043.06
8	Two applicants/recipients and one or more dependent children	One applicant/recipient is a person with disabilities, the other is not a person with disabilities and is 65 or more years of age	\$1 043.06

(B.C. Reg. 58/2007)

- (2) If the family unit includes one or more dependent children, the monthly support allowance under subsection (1) is 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 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 for any of the reasons listed in section 59 [advance

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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 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)

Prorating of support allowance

3 In the calendar month that contains the date of the applicant's submission of the application for disability 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. 306/2005)

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

Item	Column 1	Column 2
	Family Unit Size	Maximum Monthly Shelter
1	1 person	\$375
2	2 persons	\$570
3	3 persons	\$660
4	4 persons	\$700
5	5 persons	\$750
6	6 persons	\$785

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7	7 persons	\$820
8	8 persons	\$855
9	9 persons	\$890
10	10 persons	\$925

(B.C. Reg. 58/2007)

- (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 an applicant or recipient who is a person with disabilities 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 Columbiais 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.

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- (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 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 24 (a) [*amount of disability assistance*] of this regulation is the smaller of
 - (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, and
 - (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
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- 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 that includes at least one dependant and a person with disabilities who has reached 65 years of age and receives federal old age security payments, the amount referred to in section 24 (a) [*amount of disability assistance*] of this regulation is the sum of
 - (a) the support allowance that is applicable 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 that is applicable under section 4 of this Schedule for a family unit matching the applicant's or recipient's family unit.
- (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 with disabilities who receives accommodation and care in a special care facility (other than a special care facility described in subsection (3)) or a private hospital or who is admitted to a hospital because he or she requires extended care, the amount referred to in section 24 (a) [*amount of disability 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 for each person for each calendar month.
(B.C. Reg. 164/2005)
 - (2) If the special care facility under subsection (1) 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.
 - (3) For a person with disabilities who receives accommodation and care in a special care facility operated by a service provider as defined in section 1 of the *Community Living Authority Act*, the amount referred to in section 24 (a) [*amount of disability assistance*] of this regulation is the sum of
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- (a) the support allowance that is applicable under sections 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 that is applicable under section 4 of this Schedule for a family unit matching the applicant's or recipient's family unit.

(B.C. Reg. 70/2007)

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 24 (a) [*amount of disability 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)

SCHEDULE B

NET INCOME CALCULATION

(section 24 (b))

Deduction and exemption rules

- 1 When calculating the net income of a family unit for the purposes of section 24 (b) [*amount of disability 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 child in the home of a relative;
 - (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;
 - (ix) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human

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- 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
 - (A) 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
 - (B) 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) money paid by the government of British Columbia, under a written agreement, to a person with disabilities or to a trustee for the benefit of a person with disabilities to enable the person with disabilities to live in the community instead of in an institution,
 - (xxi) payments granted by the government of British Columbia as Interim Early Intensive Intervention Funding;
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- (xxii) 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];
- (xxiii) 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)
- (xxiv) 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)
- (xxv) 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)
- (xxvi) a loan that is
 - (A) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 70.1 of this regulation, and
 - (B) received and used for the purposes set out in the business plan. (B.C. Reg. 462/2003)
- (xxvii) 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)
- (xxviii) 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)
- (xxix) 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)
- (xxx) a refund provided by the Fair PharmaCare program of the Ministry of Health, (B.C. Reg. 292/2005)
- (xxxi) 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)
- (xxxii) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act* (Canada). (B.C. Reg. 250/2006)
- (xxxiii) 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

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July 1, 1990, except money paid under that agreement as income replacement. (B.C. Reg. 165/2007)

(xxxiv) money withdrawn from a registered disability savings plan, (B.C. Reg. 362/2007)

(xxxv) a working income tax benefit provided under the *Income Tax Act* (Canada), (B.C. Reg. 48/2008)

(xxxvi) the low income climate action tax credit under section 8.1 of the *Income Tax Act*,

(xxxvii) the climate action dividend under section 13.02 of the *Income Tax Act*,

(B.C. Reg. 94/2008)

(xxxviii) 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,
- (c) all earned income must be included, except the deductions permitted under section 2 and any earned income exempted under sections 3 and 4, and
- (d) all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 7 and 8.

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;

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- (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 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) disability assistance under the Act,
 - (ii) income assistance under the *Employment and Assistance Act*,
 - (iii) disability assistance or income assistance under a former Act,
 - (iv) a youth allowance under the *BC Benefits (Youth Works) Act*, or
 - (v) any combination of the assistance and allowances referred to in subparagraphs (i) to (iv), and
 - (b) Repealed. (B.C. Reg. 265/2002)
- (2) The exempt amount for a family unit that qualifies under subsection (1),
 - (a) in the case of a family unit that is composed of one recipient who is designated as a person with disabilities, is calculated as the lesser of
 - (i) \$500, and
 - (ii) the family unit's total earned income in the calendar month of calculation, or (B.C. Reg 117/2003) (B.C. Reg. 43/2006)
 - (b) in the case of a family unit that is composed of two recipients, both of whom are designated as persons with disabilities, is calculated as the lesser of
 - (i) \$750, and
 - (ii) the family unit's total earned income in the calendar month of calculation. (B.C Reg. 43/2006)

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;
 - (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;

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- (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 70.1 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 disability 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 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 approved by the minister, if the renovations are part of a business plan accepted by
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the minister under section 70.1 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 10 [*asset limits*] of this regulation;
 - (d) a payment made from a trust to or on behalf of a person referred to in section 12 (2) [*assets held in trust for person with disabilities*] of this regulation if
 - (i) the payment is applied exclusively to or used exclusively for disability-related costs as defined in section 12 (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 $(A - B) \times C$, 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
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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. 58/2003)

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 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.

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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. 430/2004)

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 58 [*advance for lost or stolen family bonus cheque*] of this regulation,
 - (b) to replace a cheque for which no amount was advanced under section 58 [*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
- (b) for a child in the home of a relative.

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) disability 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

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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.

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 (B.C. Reg. 315/2006) and is on file with the office of the deputy minister, and
 - (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 (B.C. Reg. 315/2006) and is on file with the office of the deputy minister, and
 - (ii) is provided at the rate set out for the service in that Schedule; (B.C. Reg. 94/2005)

“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. 165/2005)
 - (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. 94/2005)

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

“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 (B.C. Reg. 315/2006) and is on file with the office of the deputy minister, and
 - (ii) is provided at the rate set out in that Schedule, and (B.C. Reg. 94/2005)
- (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 (B.C. Reg. 315/2006) and is on file with the office of the deputy minister, and
 - (ii) is provided at the rate set out in that Schedule; (B.C. Reg. 94/2005)

“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*;

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“**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. 9/2004)

“**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;

“**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 62 [*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
 - (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:

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

(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 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

(iv) 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)

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(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 62 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 Disability Benefits Program Regulation, B.C. Reg. 79/97, the Income Assistance Regulation, B.C. Reg. 75/97 or the Youth Works Regulation, B.C. Reg. 77/97, 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 under this regulation 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 disability 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 62.1 [*optical supplements*] of this regulation:

(a) basic eyewear and repairs;

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

Eye examination supplements

2.2 The minister may pay a health supplement under section 62.2 [*eye examination supplements*] of this regulation for an 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 62 [*general health supplements*] of this regulation:

(a) wheelchairs, personal motorized mobility devices, canes, crutches and walkers, if

(i) repealed, (B.C. Reg. 317/2008)

(ii) medically essential for basic mobility,

(iii) repealed, (B.C. Reg. 317/2008)

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 - (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. 9/2004)
- (c) hearing aids, if
 - (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, and
 - (iv) there are no resources available to the person's family unit to pay the cost of the health supplement;

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- (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
 - (iv) 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)

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 63 [*dental supplements*] of this regulation are basic dental services to a maximum of
 - (a) \$700 each calendar year, if provided to a dependent child,
 - (b) \$1 000 each period, if provided to a person not referred to in paragraph (a),
(B.C. Reg. 163/2005)
 - (c) Repealed. (B.C. Reg. 163/2005)
 - (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,

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- (b) a 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 disability assistance or income assistance for at least 2 years or a dependent of that person requires replacement dentures. (B.C. Reg. 94/2005)
- (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. 94/2005)
 - (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. 94/2005)
- (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
- (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. 94/2005)
 - (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. 94/2005)
- (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. 94/2005)
 - (b) that is set out in the Schedule of Fee Allowances – Crown and Bridgework, that is effective January 1, 2007 (B.C. Reg. 315/2006) and is on file with the deputy minister, (B.C. Reg. 94/2005)
 - (c) that is provided at the rate set out for the service in that Schedule, and
 - (d) for which a person has received the pre-authorization of the minister.
- (2) A health supplement may be paid under section 63.1 of this regulation for crown and bridgework but only if the minister is of the opinion that the person has a

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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. 94/2005)
- (b) one of the following circumstances exists:
 - (i) the dental condition precludes the use of a removable prosthetic;
 - (ii) the person has a physical impairment that makes it impossible for him or her to place a removable prosthetic;
 - (iii) the person has an allergic reaction or other intolerance to the composition or materials used in a removable prosthetic.
 - (iv) the person 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.

Emergency dental supplements

- 5 The health supplements that may be paid for under section 64 [*emergency dental and denture supplements*] of this regulation are emergency dental services.

Diet supplements

- 6 (1) The amount of a diet supplement that may be provided under section 66 [*diet supplements*] 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.

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- (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
 - (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.

Monthly nutritional supplement

- 7 The amount of a nutritional supplement that may be provided under section 67 [*nutritional supplement*] of this regulation is the sum of the amounts for those of the following items specified as required in the request under section 67 (1) (c):
 - (a) for additional nutritional items that are part of a caloric supplementation to a regular dietary intake, \$165 each month;
 - (b) for bottled water for a person suffering moderate to severe immune suppression, \$20 each month;
 - (c) for vitamins and minerals, \$40 each month.

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Natal supplement

- 8 The amount of a natal supplement that may be provided under section 68 [*natal supplement*] of this regulation is
- (a) \$45 for each calendar month for a period set out in section 68 (2), or (B.C. Reg. 153/2005)
 - (b) \$90 for each calendar month for a period set out in section 68 (2) if the person (B.C. Reg. 153/2005)
 - (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

- 9 The minister may provide infant formula under section 67.1 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 dependent child described by paragraph (a) (ii), the dependent child is under 12 months of age, and
 - (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. 159/2005)

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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 allowance 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;

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- (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 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 59 [*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).

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- (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 section 58 [*advance for lost or stolen family bonus*] of this regulation,
 - (b) to replace a cheque for which no amount was advanced under section 58 [*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. 306/2005)

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.

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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 of this Schedule:
- (a) any earned income of a dependent child attending school on a full-time basis;
 - (b) disability assistance paid for a child in the home of a relative;
 - (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;

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- (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;
- (r) money paid by the government of British Columbia, under a written agreement, to a person with disabilities or to a trustee for the benefit of a person with disabilities to enable the person with disabilities to live in the community instead of in an institution.
- (s) 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
 - (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. 58/2003)
- (t) payments granted by the government of British Columbia as Interim Early Intensive Intervention Funding;
- (u) 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]*;
- (v) 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)
- (w) payments granted by the Government of British Columbia under the Ministry of Children and Family Development's Extended Autism Intervention

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- Program; (BC Reg. 209/2003)
- (x) 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. (B.C. Reg. 209/2003)
 - (y) a child disability benefit. (B.C. Reg. 461/2003)
 - (z) 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)
 - (aa) a refund provided by the Fair PharmaCare program of the Ministry of Health. (B.C. Reg. 292/2005)
 - (bb) funds held in a registered education savings plan. (B.C. Reg. 305/2005)
 - (cc) 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.
 - (dd) 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)
 - (ee) funds held in, or money withdrawn from, a registered disability savings plan. (B.C. Reg. 362/2007)
 - (ff) a working income tax benefit provided under the *Income Tax Act* (Canada). (B.C. Reg. 48/2008)
 - (gg) the low income climate action tax credit under section 8.1 of the *Income Tax Act*,
 - (hh) the climate action dividend under section 13.02 of the *Income Tax Act*; (B.C. Reg. 94/2008)
 - (ii) 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 a person with disabilities	\$531.42
2	Sole applicant/recipient and one or more dependent children	Applicant/recipient is a person with disabilities	\$672.08
3	Two applicants/recipients and no dependent children	One applicant/recipient is a person with disabilities, the other is not a person with disabilities and is under 65 years of age	\$700.56
4	Two applicants/recipients and no dependent children	Both applicants/recipients are persons with disabilities	\$949.06
5	Two applicants/recipients and no dependent children	One applicant/recipient is a person with disabilities, the other is not a person with disabilities and is 65 or more years of age	\$949.06
6	Two applicants/recipients and one or more dependent children	One applicant/recipient is a person with disabilities, the other is not a person with disabilities and is under 65 years of age	\$794.56
7	Two applicants/recipients and one or more dependent children	Both applicants/recipients are persons with disabilities	\$1 043.06
8	Two applicants/recipients and one or more dependent children	One applicant/recipient is a person with disabilities, the other is not a person with disabilities and is 65 or more years of age	\$1 043.06

(B.C. Reg. 58/2007)

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TABLE 2

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

(B.C. Reg. 58/2007)