

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry)'s reconsideration decision dated January 6, 2014, finding the Appellant is not eligible to receive a Child Care Subsidy (Subsidy) for June 1, 2013 to October 31, 2013, because she did not renew her eligibility for the Subsidy by submitting a Child Care Subsidy Application as required by section 4(4) of the Child Care Subsidy Regulation (CCSR) until November 14, 2013.

### PART D – Relevant Legislation

The relevant legislation is sections 4(1) and (4), and 13(1) and (2) of the CCSR.

## PART E – Summary of Facts

The Appellant was in receipt of a Subsidy from June 1, 2012 to May 31, 2013. On August 28, 2013, the Ministry advised the Appellant by letter that, "the Child Care Subsidy Centre was unable to process [her] renewal application until [she] submitted a completed Child Care Subsidy Application (CF2900) Form and supporting documents." The Appellant submitted this application to the Ministry on November 19, 2013 (dated November 14, 2013). The Ministry, in accordance with the relevant provisions of the CCSR, determined that the Appellant became re-eligible for a Subsidy on November 1, 2013, but was ineligible to receive a Subsidy for the period June 1, 2013 to October 31, 2013.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry's decision finding the Appellant is not eligible to receive a Child Care Subsidy between June 1, 2013 and October 31, 2013 because she did not renew her eligibility for the Subsidy by submitting a Child Care Subsidy Application as required by section 4(4) of the Child Care Subsidy Regulation (CCSR) until November 14, 2013.

The relevant legislation is sections 4(1) and (4), and 13(1) and (2) of the CCSR:

### How to apply for a subsidy

4 (1) To be eligible for a child care subsidy, a parent must

- (a) complete an application in the form required by the minister,
- (b) supply the minister with the social insurance number of the parent and each adult dependant, and
- (c) supply the minister with proof of the identity of each member of the family and proof of eligibility for a child care subsidy.

(4) A parent ceases to be eligible for a child care subsidy on the date that is 12 months after the date of application under subsection (1) or this subsection, as applicable, unless, before that date, the parent completes an application referred to in subsection (1) and otherwise complies with that subsection.

### Will a subsidy be paid for child care provided before completion of the application?

13 (1) A child care subsidy may be paid from the first day of the month in which the parent completes an application under section 4.

(2) If an administrative error has been made, a child care subsidy may be paid for child care provided in the 30 days before the parent completes an application under section 4.

The Ministry found the Appellant ineligible to receive the Subsidy between June 1, 2013 and October 31, 2013, because under section 4(4) the Appellant's eligibility ceased May 31, 2013, and she did not fulfill the requirements under section 4(1) to renew that eligibility until November 14, 2013, which meant, according to section 13(1) that she was re-eligible to receive the Subsidy on November 1, 2013.

On appeal, the Appellant admitted that the delay in submitting the application was her fault. She stated that there were a number of reasons for this delay: during this period she was very busy with school and work; she had undergone surgery; she had difficulty coordinating with her husband to complete the forms; and she had difficulty in acquiring, processing and submitting the forms. The Appellant also stated that she does currently owe her childcare provider payment for the period in question and has no means to pay her.

The Ministry's position at appeal was that it is bound by the terms of the legislation, which clearly provides that a person is only eligible to receive the Subsidy beginning on the first day of the month in which they comply with the application requirements in section 4(1). In this case, the Appellant did not meet those requirements until November 14, 2013.

The panel finds that section 4(4) of the CCSR clearly establishes that the Appellant's eligibility expired on May 31, 2013. The same section and section 13(1) also clearly establishes that the Appellant did not become re-eligible for the Subsidy until the beginning of the month in which she met

the requirements under section 4(1), which was November, 2013. While the panel appreciates that the Appellant faced a number of issues in completing and submitting the application, the legislation provides no accommodation for these matters and the Ministry is bound by the terms of the legislation.

The panel considered whether there had been an administrative error in this case, which would mean in accordance with section 13(2) of the CCSR that the Appellant was entitled to have her eligibility back-dated 30 days. On the evidence before the panel, however, it could not find that such an error had been made.

Accordingly, the panel finds that the Ministry's decision to find the Appellant ineligible to receive a Child Care Subsidy for the period June 1, 2013 and October 31, 2013, was a reasonable application of the relevant legislation and confirms the Ministry's reconsideration decision.