



PART C – Decision under Appeal

The decision under appeal is the Ministry of Children and Family Development (ministry)'s reconsideration decision dated August 31, 2015, which found that the appellant was not eligible to receive child care subsidy between January 6, 2015 and May 31 2015 pursuant to section 13 of the Child Care Subsidy Regulation because a completed application was not received by the ministry.

PART D – Relevant Legislation

The relevant legislation is section 4 of the Child Care Subsidy Act (CCSA), and sections 4 and 13 of the Child Care Subsidy Regulation (CCSR).

PART E – Summary of Facts

The appellant is married with two children. She had been receiving the Child Care Subsidy for her two children who were born in 2010 and 2012 until her authorization ended on December 31, 2014.

On January 29, 2015 the appellant submitted a renewal application for the Child Care Subsidy. In the application the appellant indicated that her spouse had a new job. The ministry informed the appellant by telephone that it required two pay stubs from the appellant's spouse in order to determine the appellant's eligibility for the Child Care Subsidy.

The ministry contacted the appellant by letter on April 20, 2015 advising her that it was unable to process the application because it did not yet have the requested information.

On May 13, 2015 the ministry received a new application from the appellant. The ministry again advised the appellant by letter that it required two pay stubs from the appellant's spouse in order to determine the appellant's eligibility for the Child Care Subsidy.

On June 12, 2015 the ministry received the information that is needed in order to determine the appellant's eligibility for the Child Care Subsidy.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision dated August 31, 2015, which found that the appellant was not eligible to receive child care subsidy between January 6, 2015 and May 31 2015 because the appellant had not supplied the ministry with all the information it required in order to assess the eligibility of the appellant for the Child Care Subsidy.

The relevant legislation is section 4 of the CCSA, and sections 4 and 13 of the CCSR.

Child care subsidies

4 *Subject to the regulations, the minister may pay child care subsidies.*

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.*

(2) *Only one parent in the family may apply for a child care subsidy.*

(3) *Repealed. [B.C. Reg. 187/2007, s. (b).]*

(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.*

Neither the appellant nor the ministry representative attended the hearing. The panel confirmed that the appellant and the ministry were properly notified of the time and place of the hearing and proceeded with the hearing in accordance with section 86(b) of the Employment and Assistance Regulation.

In her reasons for appeal the appellant states that she believed she had applied properly for the Child Care Subsidy on a number of occasions. She maintains that she had sent in a number of faxes and had followed up by sending information in the mail.

In the material before the panel there are a number of faxes from the appellant to the Ministry. However, none of these contains the information requested by the ministry until a fax dated June 11, 2015. There is no evidence before the panel that the ministry received the required information before that date.

One of the requirements to be eligible to receive the Child Care Subsidy found in section 4 (1) (A) of

the CCSR is to complete the application form required by the Minister. On that application form is a requirement that the applicant provide proof of earnings to the ministry in order for the ministry to determine eligibility for the Child Care Subsidy. A family is not eligible to receive the Child Care Subsidy until it has provided the ministry with proof of income.

In this case the appellant did not supply the ministry with proof of income until June 11, 2015. In accordance with section 13 of the CCSR, the appellant became re-eligible for the Child Care Subsidy on June 1, 2015.

Accordingly, the panel concludes that the ministry's determination that the appellant is not eligible to receive the Child Care Subsidy Between January 6th 2015 and May 31, 2015 was a reasonable interpretation of the legislation in the circumstances and confirms the ministry's decision.