

APPEAL NUMBER  
2020-00227

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the reconsideration decision of the Ministry of Children and Family Development (the ministry) dated September 20, 2020, which held that the appellant was not eligible for the Affordable Child Care Benefit (“ACCB”) beginning July 1, 2020 due to the appellant’s family’s adjusted annual income being too high.

The ministry found that the appellant’s adjusted family income exceeded the income range provided in the Child Care Subsidy Regulation Schedule A for the maximum or partial benefit for licensed group child care and the income range for the maximum or partial benefit of licence-not-required child care, so the appellant was not eligible to receive any ACCB.

**PART D – RELEVANT LEGISLATION**

*Child Care Subsidy Act* section 4  
Child Care Subsidy Regulation sections 7, 8, 9 and Schedule A

## **PART E – SUMMARY OF FACTS**

The information before the ministry at the time of reconsideration included the following:

- ACCB application signed and dated June 30, 2020 indicating that the appellant was employed but that the appellant spouse's work was on hold due to the pandemic. The ACCB indicates that the one of the appellant's children requires licenced group child care one day per week, another child will require licensed family child care one day per week, and the third child will require licensed group child care.
- Request for Reconsideration dated July 1, 2020 stating that the appellant and spouse have three children. Two of the children are in before and after school care, and the youngest child is in full time care. The appellant's spouse works in an industry that was one of the first to be out of work when the Covid-19 pandemic (the "pandemic") started. The appellant states that both the appellant and partner are currently working but the partner is only back to work three days a week. The appellant seeks a reconsideration due to loss of income resulting from the pandemic.
- ACCB Income Declaration dated July 28, 2020 (the "income declaration") indicating that the appellant's spouse's total annual income was \$59,753, based on employment income of \$52,992 and rental income of \$6,761. Section 3 – Comments indicates that the appellant's spouse was off work for 3.5 plus months due to the workplace closing due to the pandemic. The appellant's spouse received Canada Emergency Response Benefit (CERB) of \$1,500 in March, \$2,000 in April, \$2,000 in May, \$2,000 in June and \$250 in July. The comments indicate that the appellant's spouse had returned to work at one job three days per week, but that the second employer where the spouse worked one day per week had not called the spouse back to work. The comments indicate that the last few months have caused financial hardship and strain.

### **Additional information provided**

The Notice of Appeal ("NOA") dated September 29, 2020 indicates that the appellant's spouse was out of work due to an office shut down due to the pandemic from March to July 2020. The NOA indicates that the "rental income pays mortgage, not income."

At the hearing, the appellant stated that the ministry relied on last year's income in making its decision to deny the ACCB but because of the pandemic, the family's income is totally different. The appellant lost six days of work due to the pandemic but stated that the spouse received CERB which is limited and does not replace the usual employment income. The appellant stated that prior to the pandemic the appellant's spouse worked two jobs. Since July, the spouse is now working three days per week at one job and is trying to pick up extra shifts. However, the spouse's second job that was one day per week has not resumed. As the family does not have any extended family to help with childcare, the appellant states that it is an ongoing battle to cover the costs of three children in daycare and school. The appellant also stated that the children are not allowed to attend school or daycare if they are slightly ill so one of the parents is required to stay home causing further loss of income.

The appellant confirmed that the income declaration indicates the spouse's income from the 2019 Canada Revenue Agency assessment, not the decreased income from March to July 2020. The appellant did not provide the ministry any information indicating the family decreased income resulting from the loss of work due to the pandemic. The appellant signed the income declaration form but advised that the spouse filled out the total annual income portion of the form.

The appellant stated that the rental income just pays the mortgage and is not income so it should not be used in calculating the family's income for the ACCB determination.

### **Admissibility of New Information**

The ministry did not object to the admissibility of the information in the NOA or the appellant's oral testimony.

The panel has admitted the appellant's oral testimony and the information in the NOA as it is information that is reasonably required for a full and fair disclosure of all matters related to the decision under appeal, in accordance with section 22(4) of the *Employment and Assistance Act*. In particular, the new information provides further information on how the appellant completed the income declaration and the family's income.

**PART F – REASONS FOR PANEL DECISION**

**Issue on Appeal**

The issue on appeal is whether the ministry's decision to deny the appellant's request for ACCB was reasonable? In particular was the ministry reasonable in determining that the appellant's family's adjusted annual income exceeds the threshold for the maximum benefit or a partial benefit for licensed group child care and licence-not-required child care, as legislated in the Child Care Subsidy Regulation?

**Relevant Legislation**

The relevant legislation is attached as Schedule A at the end of the decision.

**Panel Decision**

The ministry's position is that applicants for ACCB must meet the financial eligibility criteria set out in the *Child Care Subsidy Act* and the Child Care Subsidy Regulation. Applicants are eligible for the maximum benefit if the family's adjusted annual income does not exceed the threshold for the maximum benefit. Family income, as defined by section 9.1 of the Child Care Subsidy Regulation, includes the income of the applicant and their spouse.

If a family's adjusted annual income exceeds the threshold for the maximum benefit, a calculation is made to determine whether an applicant is eligible to receive a partial benefit, but the ministry determined that the appellant's family's adjusted annual income exceeded the amount that would qualify the appellant for a partial benefit as legislated in the Child Care Subsidy Regulation.

The reconsideration decision found that the appellant's earnings based on the Canada Revenue assessed income for 2019 is \$66,794 and the spouse's earnings based on the income declaration is \$52,992 for gross annual employment income and \$6,761 rental income from property for a total of \$59,753. The ministry determined that the total family gross income was \$126,547.

The reconsideration decision indicates that once the family's annual income has been established, adjustments are deducted to determine the family's adjusted annual income. The adjustments applied are \$2,000 for every family member after the first two family members and \$3,000 for each child with special needs. As the appellant's family does not have any children with special needs, the adjustments to be made, based on the family of 5, minus the first two family members, is \$2,000 for 3 people, for a total of \$6,000. The ministry determined that after deducting the adjustments of \$6,000 from the total gross income of \$126,547, the adjusted family income used for calculating the ACCB was \$120,547.

The ministry's position is that in accordance with the Child Care Subsidy Regulation Schedule A, in a license-not-required child care setting, the adjusted family income range to be eligible for a maximum benefit is \$0-\$24,000. To be eligible for a partial subsidy the income range is

\$24,000.01 - \$69,999.99. As the appellant's adjusted family income of \$120,547 is higher than the range for both the maximum benefit range and the partial subsidy range, the ministry determined that the appellant was not eligible to receive any benefit.

The ministry's position is that in accordance with the Child Care Subsidy Regulation Schedule A, in a licenced group child care setting, the adjusted family income range to be eligible for a maximum benefit is \$0-\$44,999. To be eligible for a partial subsidy, the adjusted family income range is \$45,000 to \$59,999 or \$60,000 to \$79,999 or \$80,000 to \$110,999. As the appellant's adjusted family income is \$120,547 it is higher than the range for both the maximum benefit range and a partial subsidy range, so the appellant is not eligible to receive any benefit.

The reconsideration decision also states that the income ranges for each type of child care setting are set in legislation, which means that the ministry does not have any discretion to grant a subsidy if an applicant's income is higher than the regulations permit.

The appellant's position is that the loss of work due to the pandemic has caused significant financial strain and hardship. The appellant's position is that the ministry should take into account the decrease in the family income that occurred from March to July 2020 due to the pandemic and the fact that the rental income from property goes to pay a mortgage and is not used for income.

The panel finds that the ministry's reconsideration decision was reasonably supported by the evidence and a reasonable application of the legislation in the appellant's circumstances.

The panel finds that the ministry reasonably determined that based on the information provided, that the total family gross income was \$126,547, based on the appellant's income of \$66,794 and the spouse's income of \$59,753. The panel finds that the ministry was reasonable in relying on the information in the income declaration as the appellant did not provide any other documentation to indicate income of a different amount.

Section 9.1 of the Child Care Subsidy Regulation indicates that for the purposes of an income review, the estimated decreased annual income means the estimated income from all sources except social assistance payments. While the appellant's position is that the rental income from property should not be included as it pays a mortgage and is not income, the panel finds that the ministry reasonably included the rental income in the calculation of the spouse's total annual income as per the legislated requirements, namely, income from all sources.

As the total gross income was \$120,647, after the adjustments of \$6,000 being \$2,000 for each member after the first two family members, the panel finds that the ministry reasonably determined that the adjusted family annual income is \$120,547.

Section 7 of the Child Care Subsidy Regulation states that an applicant is not eligible for a child care subsidy if the family's adjusted annual income exceeds \$111,000 for a licensed required child care. The legislation also provides for lesser annual income amounts in other child care settings. However, as the ministry reasonably determined that the family's adjusted annual income is \$120,547 the panel finds that the ministry reasonably determined that the appellant

was not eligible for any subsidy under the Child Care Subsidy Regulation as the family's adjusted annual income was in excess of the limits prescribed by the legislation for all child care settings.

The income declaration indicates that if an applicant is seeking an income review due to a decrease in income, then the applicant should estimate the decreased annual income for the 12 month period beginning the month after the month in which the appellant requested an income review. Unfortunately, the appellant did not provide an estimate of the decreased annual income but simply provided the spouse's annual income for 2018. Without any information and documentation indicating how the appellant's spouse's income had decreased, the ministry could only calculate the family's total gross income based on the information provided.

Accordingly, the panel finds that the ministry reasonably determined that the appellant was not eligible for the ACCB beginning July 1, 2020.

### **Conclusion**

The panel finds that the ministry's decision that the appellant was not eligible for the ACCB as the family's adjusted income exceeded the amount that would qualify the appellant for the maximum or partial benefit as legislated in the Child Care Subsidy Regulation was reasonably supported by the evidence and a reasonable application of the legislation in the appellant's circumstances.

The panel therefore confirms the ministry's decision. The appellant is not successful on appeal.

## Schedule A – Relevant Legislation

### ***Child Care Subsidy Act***

#### **Child care subsidies**

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

#### **Child Care Subsidy Regulation**

##### **Income test**

7 (1) An applicant is not eligible for a child care subsidy if the family's adjusted annual income equals or exceeds the following:

- (a) \$111 000 for a child receiving child care in a licensed child care setting;
- b) \$85 000 for a child receiving child care in a registered licence-not-required child care setting;
- (c) \$70 000 for a child receiving child care
  - (i) in a licence-not-required child care setting, or
  - (ii) in the child's own home as described in section 2 (c).

##### **Amount of subsidy**

8 (1) In this section:

"full time child care" means child care for which the minister may pay a child care subsidy that is provided for the equivalent of at least 20 full days per month;

"full time subsidy amount", in relation to a child receiving part time child care, means the monthly child care subsidy determined in accordance with subsection (3), (4) or (5), as applicable, that would apply if the child were receiving full time child care;

"number of full days" means the number of full days per month for which the minister may pay a child care subsidy;

"number of half days" means the number of half days per month for which the minister may pay a child care subsidy;

"parent fee" in relation to a parent, means the fee the parent is charged by the applicable child care provider for child care for which the minister may pay a child care subsidy;

"part time child care" means child care for which the minister may pay a child care subsidy that is provided for less than the equivalent of 20 full days per month.

(2) For the purposes of applying the definitions of "full time child care" and "part time child care" in subsection (1), 2 half days are the equivalent of one full day.

(3) If a family's adjusted annual income is less than or equal to the following, the monthly child care subsidy for a child receiving full time child care is the parent fee or the amount set out in Column 3 of the applicable table in Schedule A, whichever is less, for the type of child care the child is receiving:

- (a) \$45 000 for a child receiving child care in a licensed child care setting;
- (b) \$39 000 for a child receiving child care in a registered licence-not-required child care setting;
- (c) \$24 000 for a child receiving child care
  - (i) in a licence-not-required child care setting, or
  - (ii) in the child's own home as described in section 2 (c).

(4) If a family's adjusted annual income exceeds the applicable amount under subsection (3) (a), (b) or (c), the monthly child care subsidy for a child receiving full time child care is the parent fee or the amount determined in accordance with the applicable formula in Schedule A, whichever is less, for the type of child care the child is receiving.

(5) Despite subsections (3) and (4), the monthly child care subsidy for a child described in section 7 (2) who is receiving full time child care is the parent fee or the amount set out in Column 3 of the applicable table in Schedule A, whichever is less, for the type of child care the child is receiving.

(6) If child care is provided through a Young Parent Program and the child care provider operating the Young Parent Program confirms, in the form specified by the minister, that the parent is participating in the Young Parent Program,

- (a) despite subsections (3) and (4), the monthly child care subsidy for a child who is receiving full time child care provided through the Young Parent Program is \$1 500, and
- (b) despite subsection (7), the monthly child care subsidy for a child receiving part time child care provided through the Young Parent Program is the amount determined in accordance with the following formula:

$$\left[ \frac{(\text{number of half days} \times 0.5) + \text{number of full days}}{20} \right] \times 1\,500$$

(7) The monthly child care subsidy for a child receiving part time child care is the parent fee or the amount determined in accordance with the following formula, whichever is less, for the type of child care the child is receiving:



$$\left[ \frac{(\text{number of half days} \times 0.5) + \text{number of full days}}{20} \right] \times \text{full time subsidy amount}$$

(8) Despite subsection (7), the monthly child care subsidy for a child receiving part time child care provided in a licensed preschool is the parent fee or the amount determined in accordance with the following formula, whichever is less, for that type of child care:

$$\left[ \frac{\text{number of half days}}{20} \right] \times \text{full time subsidy amount}$$

(9) Despite subsection (7), the monthly child care subsidy for a child receiving part time child care that is care surrounding school day is the parent fee or the amount determined in accordance with the following formula, whichever is less, for that type of child care:

$$\left[ \frac{(\text{number of half days} \times 0.83333) + \text{number of full days}}{20} \right] \times \text{full time subsidy amount}$$

(10) If the child care is arranged or recommended by staff delegated under the *Child, Family and Community Service Act*, after staff have

- (a) offered support services or agreements to the child and family under section 16 (2) (a) of that Act,
- (b) begun an assessment under section 16 (2) (b.1) of that Act, or
- (c) begun an investigation under section 16 (2) (c) of that Act,

the minister may pay any increase in the amount of the child care subsidy that the minister considers necessary to ensure that the child care is provided.

[en. B.C. Reg. 148/2018, App. 1, s. 6.]

#### Calculation of family's adjusted annual income

9 (1) In this section, "previous year" means the year previous to the current calendar year.

(2) In relation to a child care subsidy that is to be determined based on a family's adjusted annual income, the minister must calculate the family's adjusted annual income as follows:

- (a) by adding, for the applicant and the applicant's spouse, if any, the annual income for the person determined under subsection (3) or (4), as applicable;
- (b) by deducting from the amount calculated under paragraph (a) any applicable amounts under subsection (5).

(3) For the purposes of subsection (2), the minister must calculate the annual income of the applicant and the applicant's spouse, if any, by

- (a) determining the person's income for the previous year, or for the year before the previous year if a notice of assessment is not available for the person for the previous year, as
  - (i) the amount reported on line 150 of the person's notice of assessment if there has been no notice of reassessment for the applicable year, or
  - (ii) if there was a notice of reassessment for the person, the amount reported on line 150 of the notice of reassessment, and
- (b) deducting from the income determined under paragraph (a) all amounts, if any, reported on line 145 of the notice of assessment or notice of reassessment that apply under paragraph (a).

(4) If a notice of assessment is not available for either of the 2 calendar years before the current year with respect to the applicant or the applicant's spouse, if any,

- (a) the applicant may give to the minister a statement, in the form required by the minister, attesting to the applicant's or the applicant's spouse's, as applicable, total income from all sources except social assistance payments, stated in Canadian dollars, for the previous year, and
- (b) on receiving income information satisfactory to the minister under paragraph (a), the minister may determine the annual income of the person based on that information.

(5) For the purposes of this section, the following deductions may be made, if applicable:

- (a) \$0 for the first dependant in the family who is not a child with special needs;
- (b) \$2 000 for each additional dependant in the family;
- (c) \$3 000 for each child with special needs in the family.

[en. B.C. Reg. 148/2018, App. 1, s. 7; am. B.C. Reg. 148/2019, s. 1.]

## Income review

**9.1** (1) In this section:

"estimated decreased annual income" means the estimated income from all sources except social assistance payments, stated in Canadian dollars, for the applicant or the applicant's spouse, if any, for the 12-month period beginning the month after the month in which the applicant requests an income review under this section;

"estimated increased annual income" means the estimated income from all sources except social assistance payments, stated in Canadian dollars, for the applicant, or the applicant's spouse, if any, for the 12-month period beginning the month after the month in which the income of the applicant or the applicant's spouse, as applicable, increased;

"new applicant" means a parent who

(a) is not currently receiving a child care subsidy, and

(b) has applied for a child care subsidy under section 4 but no determination has yet been made whether the parent is eligible for a child care subsidy.

(2) Despite section 9 (3), if the income of the applicant or of the applicant's spouse, if any, has decreased,

(a) the applicant may request the minister to conduct an income review by giving to the minister a statement, in the form required by the minister, attesting to the estimated decreased annual income of the applicant or the applicant's spouse, as applicable, and

(b) the minister may determine the annual income of the person based on that information.

(3) Despite section 9 (2), on receiving a request for an income review under this section, if the minister is satisfied that the income decrease may result in an increase in the amount of child care subsidy, the minister must calculate the family's adjusted annual income as follows:

(a) by adding, for the applicant and the applicant's spouse, if any,

(i) the lesser of

(A) the annual income of the person referred to in subsection (2) of this section whose income decreased as determined in accordance with subsection (2) (b) of this section, or

(B) the annual income of that person as determined in accordance with section 9 (3) or (4), as applicable, and

(ii) the annual income of the applicant or the applicant's spouse, if any, determined in accordance with section 9 (3) or (4), if applicable;

(b) by deducting from the amount calculated under paragraph (a) the applicable amounts under section 9 (5).

(4) If the minister is satisfied that the family's adjusted annual income calculated under subsection (3) of this section will result in an increase in the amount of child care subsidy, the minister must redetermine the amount of child care subsidy using the family's adjusted annual income calculated under subsection (3) of this section as the basis for the calculation under section 8 [*amount of subsidy*].

(5) If an applicant is eligible for an increased amount of child care subsidy determined in accordance with subsection (4) of this section, the increased amount of child care subsidy may be paid as follows:

(a) in the case of a new applicant, from the first day of the month in which the parent completes an application under section 4;

(b) in all other cases, despite section 13 (1), from the first day of the month after the month in which the applicant requests an income review under this section.

(6) Despite section 9 (3),

(a) an applicant to or for whom an increased amount of child care subsidy is paid in accordance with this section must give to the minister a statement, in the form required by the minister, attesting to the estimated increased annual income of the person referred to in subsection (2) of this section whose income decreased if

(i) the income of that person increases, and

(ii) the family's adjusted annual income was calculated under subsection (3) of this section using the annual income of that person referred to in paragraph

(a) (i) (A) of that subsection, and

(b) the minister may determine the annual income of the person based on that information.

(7) Despite section 9 (2), on receiving a statement referred to in subsection (6) of this section, if the minister is satisfied that the income increase may result in a decrease in the amount of child care subsidy, the minister must calculate the family's adjusted annual income as follows:

(a) by adding, for the applicant and the applicant's spouse, if any,

(i) the lesser of

(A) the annual income of the person referred to in subsection (6) of this section whose income increased determined in accordance with subsection (6) (b) of this section, or

(B) the annual income of that person determined in accordance with section 9 (3) or (4), as applicable, and

(ii) the annual income of the applicant or the applicant's spouse, if any, determined in accordance with section 9 (3) or (4), if applicable;

(b) by deducting from the amount calculated under paragraph (a), the applicable

amounts under section 9 (5).

(8) If the minister is satisfied that the family's adjusted annual income calculated under subsection (7) of this section will result in a decrease in the amount of child care subsidy, the minister must redetermine the amount of child care subsidy using the family's adjusted annual income calculated under subsection (7) of this section as the basis for the calculation under section 8.

[en. B.C. Reg. 148/2018, App. 1, s. 7; am. B.C. Reg. 148/2019, s. 2.]

## Child Care Subsidy Regulation

### Schedule A

[en. B.C. Reg. 148/2018, App. 1, s. 12; am. B.C. Reg. 148/2019, ss. 4 to 7.]

#### Definition

1 In this Schedule, "maximum benefit" means the monthly child care subsidy set out in Column 3 of the applicable table in this Schedule for the type of child care the child is receiving.

#### Subsidy rates for licensed child care setting

2 The monthly child care subsidy for a child receiving a type of child care provided in a licensed child care setting is to be determined in accordance with the formula in paragraph (a), (b) or (c), as applicable, and the table in this section:

(a) if a family's adjusted annual income is more than \$45 000 but less than or equal to \$60 000, the amount of child care subsidy is to be determined in accordance with the following formula:

$$\text{maximum benefit} \times \left[ 1 - \frac{(\text{family's adjusted annual income} - 45\,000) \times 0.272}{15\,000} \right]$$

(b) if a family's adjusted annual income is more than \$60 000 but less than or equal to \$80 000, the amount of child care subsidy is to be determined in accordance with the following formula:

$$0.728 \times \text{maximum benefit}$$

(c)if a family's adjusted annual income is more than \$80 000 but less than \$111 000, the amount of child care subsidy is to be determined in accordance with the following formula:

$$(0.728 \times \text{maximum benefit}) \times \left[ 1 - \frac{(\text{family's adjusted annual income} - 80\,000)}{31\,000} \right]$$

**Table of Maximum Benefits**

Item	Column 1 Care Code	Column 2 Type of Child Care Provided in a Licensed Child Care Setting	Column 3 Maximum Benefit per Month
<b>Group Child Care / Multi-Age Child Care</b>			
1	G1	children under 19 months	\$1 250
2	G2	children 19 months and over but under 37 months	\$1 060
3	G3	children 37 months and over but who have not reached school age	\$550
4	G4	children of school age	\$415
<b>Family Child Care / In-Home Multi-Age Child Care</b>			
5	J1 - L	children under 19 months	\$1 000
6	J2 - L	children 19 months and over but under 37 months	\$1 000
7	J3 - L	children 37 months and over but who have not reached school age	\$550
8	J4 - L	children of school age	\$415
<b>Other</b>			

9	N1	Preschool (children 30 months and over but who have not reached school age)	\$225
10	L2	care surrounding school day	\$210

**Subsidy rates for registered licence-not-required child care setting**

3 If a family's adjusted annual income is more than \$39 000 but less than \$85 000, the monthly child care subsidy for a child receiving a type of child care provided in a registered licence-not-required child care setting is to be determined in accordance with the following formula and the table in this section:

$$\text{maximum benefit} \times \left[ 1 - \frac{(\text{family's adjusted annual income} - 39\,000)}{46\,000} \right]$$

**Table of Maximum Benefits**

Item	Column 1 Care Code	Column 2 Type of Child Care Provided in a Registered Licence-Not-Required Child Care Setting	Column 3 Maximum Benefit per Month
1	R1	children under 19 months	\$600
2	R2	children 19 months and over but under 37 months	\$600
3	R3	children 37 months and over but who have not reached school age	\$550
4	R4	children of school age	\$415
5	L2	care surrounding school day	\$210

**Subsidy rates for licence-not-required child care setting**

4 If a family's adjusted annual income is more than \$24 000 but less than \$70 000, the monthly child care subsidy for a child receiving a type of child care provided in a licence-not-required child care setting is to be determined in accordance with the following formula and the table in this section:

$$\text{maximum benefit} \times \left[ 1 - \frac{(\text{family's adjusted annual income} - 24\,000)}{46\,000} \right]$$

**Table of Maximum Benefits**

Item	Column 1 Care Code	Column 2 Type of Child Care Provided in Licence-Not -Required Child Care Setting	Column 3 Maximum Benefit per Month
1	F1	children under 19 months	\$438
2	F2	children 19 months and over but under 37 months	\$404
3	F3	children 37 months and over	\$354
4	L2	care surrounding school day	\$210

**Subsidy rates for child care provided in child's own home**

5 If a family's adjusted annual income is more than \$24 000 but less than \$70 000, the monthly child care subsidy for a child receiving a type of child care provided in the child's own home as described in section 2 (c) of the regulation is to be determined in accordance with the following formula and the table in this section:

$$\text{maximum benefit} \times \left[ 1 - \frac{(\text{family's adjusted annual income} - 24\,000)}{46\,000} \right]$$

**Table of Maximum Benefits**

Item	Column 1 Care	Column 2 Type of Child Care Provided in Child's Own Home	Column 3 Maximum Benefit per Month
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	<b>Code</b>		
Item	Column 1 Care Code	Column 2 <b>Type of Child Care Provided in Child's Own Home</b>	Column 3 <b>Maximum Benefit per Month</b>
1	H1	1st child under 19 months	\$394
2	H2	1st child 19 months and over	\$318
3	H3	2nd child under 19 months	\$198
4	H4	(a) 1st child of school age receiving care surrounding school day if another child in the family, who has not reached school age, is in care code H1 or H2 (b) 2nd child, unless the child is under 19 months, whether or not receiving care surrounding school day (c) each child in addition to the 1st or 2nd child, as applicable, whether or not receiving care surrounding school day	\$147
5	L2	care surrounding school day — 1st child of school age unless another child in the family, who has not reached school age, is in care code H1 or H2	\$210

[Provisions relevant to the enactment of this regulation: [Child Care Subsidy Act](#), R.S.B.C. 1996, c. 26, s. 13.]

APPEAL NUMBER  
2020-00227

**PART G – ORDER**

THE PANEL DECISION IS: (Check one)       UNANIMOUS       BY MAJORITY

THE PANEL       CONFIRMS THE MINISTRY DECISION       RESCINDS THE MINISTRY DECISION

If the ministry decision is rescinded, is the panel decision referred back to the Minister  
for a decision as to amount?       Yes       No

**LEGISLATIVE AUTHORITY FOR THE DECISION:**

*Employment and Assistance Act*

Section 24(1)(a)  or Section 24(1)(b)

and

Section 24(2)(a)  or Section 24(2)(b)

**PART H – SIGNATURES**

PRINT NAME

Helene Walford

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2020/11/03

PRINT NAME

Jean Lorenz

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020/11/03

PRINT NAME

Laurie Kent

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020/11/03