

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Children and Family Development (the ministry) reconsideration decision dated March 31, 2022 which found that for the period March 1, 2016 and April 30, 2016 the appellant was eligible for Child Care Subsidy (CCS) for both children in the amount of \$635.00 each, totalling \$2,540 for the two months because one parent was employed and the other parent had a medical condition that interferes with that parent's ability to care for the child.

However, the ministry determined that the appellant was not eligible for CCS amounts from May 1, 2016 to August 31, 2016 because of the increase in the family's net income considering the appellant's spouse's income. As a result the appellant received an overpayment of \$4,740.00.

Part D – Relevant Legislation

Child Care Subsidy Act (CCSA) sections 5, and 7

Child Care Subsidy Regulation (CCSR) sections 1(1), 3, 7, 8, 9, 10, 14 and Schedule A

Part E – Summary of FactsFrom ministry files:

- On August 21, 2015 the appellant submitted a Child Care Subsidy Application to the Child Care Subsidy Service Centre (CCSSC), indicating she was a single parent. She advised she had full custody and received no child support. On October 17, 2015 she was found eligible for subsidy and issued a Benefit Plan for her two children as a 1 parent, 3 unit family, beginning September 1, 2015 until August 31, 2016.

The panel notes that while the appellant stated she had full custody the social workers notes of November 18, 2017 indicate that the appellant has started the process of applying for full custody.

- On August 5, 2016, in a telephone conversation with the CCSSC regarding the renewal of the benefit the appellant reported that her spouse had returned to live with the family in March 2016 and has been working since May 2016. The CCSSC advised her to contact the ministry with any updates of her circumstances sooner, as this will affect her subsidy and has resulted in amounts of CCS being overpaid.

- On August 8, 2016, the CCSSC received the appellant's CCS application for the renewal of her benefit. She indicated she was a 2 parent household and her spouse was given consent on the file. For the assessment of her eligibility the appellant provided paystub information and ID for her spouse. Based on the following information she was assessed for subsidy as a 2 parent, 4 unit family:

- She was employed for \$14/hour for 8 Hours/Day, 5 Days/Week, since: September 14, 2015. Her schedule was Monday – Friday from 8:30 AM to 4:30 PM. She was paid bi-weekly with an average monthly pay of \$1,936.23. (Avg. Pay x 26/12)
- The appellant's spouse was employed from May 1, 2016 to August 24, 2016 for \$31/hour, 7 days on / 7 days off, 12 hours/day, 5 days/week. He was paid bi-weekly with an average pay of \$4,619.71 per month. (Avg. Pay x 26/12)
- The total monthly income was assessed as \$6,555.94.

- A ministry Office Note dated August 5, 2016 states: "Cit stated that spouse returned to live with family in Mar2016 and has been working [for company A] since May2015 [sic] ... Reviewed on 2016Aug05 2 parent, unit 4 ... Spo employed at [company A] ... since 2016May01 ..."

- On November 7, 2016, the appellant reported that she and her spouse had separated effective November 1, 2016 and were no longer living together.

- A ministry Office Note dated November 7, 2016 indicates that the appellant's children's daycare centre was a licensed Child Care Setting "Lic # [xxxxxxxxxx]"

- On November 17, 2021, the Verification and Audit Unit completed a review of the appellant's file and determined that the appellant had received a Child Care Subsidy overpayment of \$7280 that she is liable to repay. A recalculation by the Verification and Audit Officer found that, due to no Reason for Care for the appellant's spouse from March 1, 2016 to April 30, 2016, and an increased family income due to the consideration of his income from May 1, 2016 to August 31, 2016, the appellant was ineligible for the full amount of subsidy that she received for the period between March 1, 2016 to August 31, 2016.

The appellant advised the Verification and Audit Officer that she and her ex-spouse had an on and off relationship and that there was social worker involvement. The appellant also stated that her ex-spouse was in a treatment facility for substance abuse during part of this period. Ministry records confirm that he was in the care of the treatment facility from January 14, 2019 to February 28, 2019 which is not the period in question.

Additional Documents

- A Child Care Subsidy Application form dated August 5, 2016, signed by the appellant and her spouse. When prompted to declare "Marriage or Marriage-like Relationship Status" the appellant selected
 - "Married, or living in a marriage-like relationship".
 The start date of the appellant's spouse's employment is identified as May 20, 2016.
- A Vital Statistics report indicates that the appellant and her former spouse are the biological parents of a child born in 2013 and a child born in 2014.
- Ministry of Health records indicate that between March 1, 2016 and August 31, 2016 the appellant and her spouse had the same address.
- School records for both children dated September 9, 2019 indicate the appellant as the mother and her ex-spouse as the father, with both parents listing the same address and identical home phone numbers.
- Care provider registration records completed and signed on September 26, 2018 and January 14, 2019, for both children list the appellant's ex-spouse as a parent/guardian. Additional registration forms completed on September 4, 2019 for both children for the same facility do not include the ex-spouse as a parent/guardian.
- 2 Ministry of Children and Family Development (MCFD) Incident Reports provided by the social worker office involved with the appellant's case confirm that
 - the appellant and her former spouse have been separated from October 2016 to July 2017 due to ongoing alcohol and substance abuse;
 - the former spouse was placed on a no contact order with the appellant, effective November 8, 2017;
 - they had an on and off relationship prior to the social worker's involvement, which began following a police incident of assault on November 18, 2017
 - social worker involvement ended on May 14, 2018, at which point the appellant and her former spouse were not living together with no plans to do so
 - a follow-up memo added on July 16, 2018 indicated that the former spouse is currently living with the appellant's parents and remains on the no contact order.
- Appellant's Pay Stubs

September 6 - September 19, 2015	Cheque amount \$ 462.95 (for 1 week of work)
September 20 - October 3, 2015	Cheque amount \$ 919.49
June 26 - July 9, 2016	Cheque amount \$ 919.73
July 10 - July 23 , 2016	Cheque amount \$ 867.56
- Ex-spouses Pay Stubs

July 3 - July 16, 2016	Net Pay \$ 2128.12
July 17 - July 30, 2016	Net Pay \$ 2136.23
- Child Care Payments from March 1 to August 31, 2016 paid monthly to the licensed daycare centre

For child 1: 6 times \$ 635 =	\$ 3810
For child 2: 2 times \$ 635 (for March and April)	
plus 4 times \$ 550 (for May to August) =	\$ 3470
Total:	\$ 7280

- Child Care Subsidy Overpayment Calculation for March - August 2016, dated November 17, 2021
Overpayment Reason "Spousal Status"
Total Overpayment Amount \$ 7280

With her Request for Reconsideration dated March 16, 2022 the appellant provided the following documentation:

- In letter dated February 22, 202 the appellant writes that
 - she was in need of CCS because her children's father was unreliable to care for the children due to his alcohol and cocaine addictions;
 - their relationship was always on and off;
 - he would leave at any given moment to drink and do drugs and leave for days without contact;
 - she could not afford child care on her income;
 - she needed the security of having child care but could not afford it on her income;
 - he couldn't keep a job due to his addiction;
 - she was paying all the household expenses
 - before she had child care he would refuse to watch the children when he was at home
- The appellant's ex-spouse writes in a statement dated March 2022:
 - "I was [an] unfit parent/spouse and abandoned my family to drink and do drugs.
 - I was not a parent capable of or in a condition of caring for my children,
 - in and out of their lives due to my addictions."
- The appellant's counsellor writes in a letter dated January 17, 2022:
 - They have been working with the appellant since March 2018;
 - The appellant "was involved in a long-term common-law relationship with a partner who struggled with drug and alcohol addiction..."
 - The extent of his ongoing addiction is such that it prevents him from contributing to [the appellant and her children] financially....;
 - When he does earn some money , it is quickly lost to his addiction before any contribution is made to [the appellant or the children]
 - Before [the appellant and her former partner separated there were many years of mental, emotional, and financial struggles..."
- In a letter dated January 18, 2022 the author writes that
 - the appellant was the main caregiver of her 2 children.
 - Her [former spouse] had addictions and was not dependable to look after the children.
 - The daycare was the safe place for the children.
- A family member writes in a letter dated January 21, 2021 [sic]
 - The appellant and her ex-spouse were "previously in a marital relationship" and have not been "in a marital relationship...as far back as 2015.
 - [She] still allows for [him] to have parental access to the children however they are not in a conjugal relationship.
 - [He] has been suffering from addiction issues for the last 4-5 years..."
- The appellant's mother wrote in a letter dated January 16, 2022:
 - The appellant's ex-spouse was in and out of her daughter's and their children's life.

- He has never been supportive “to his family” other than picking up the children from school or daycare periodically while the appellant was at work.
- The appellant “did her best to support him as he tried treatment/counselling for his addictions”.
- Having to pay back a substantial sum will provide stress for the appellant who is a single parent with no financial support from her [ex-spouse]; as it is she struggles to pay her rent, utilities, food, clothes, maintaining/upkeep of her vehicle which is a necessity.
- Having to pay back this amount is also not in the best interest of the children who will have to give up sports and other activities.

- The appellant’s bank statements show financial information for the period beginning March 31, 2016 and ending with August 31, 2016.

In her Notice of Appeal dated April 11, 2022 the appellant wrote:

“I was living in an abusive situation. Financial Abuse, Physical Abuse, Verbal Abuse, Emotional Abuse. He controlled the finances. I felt unsafe, my children needed protection.”

The ministry did not attend the hearing. Upon confirming that the ministry was notified the hearing proceeded in accordance with section 86(b) of the Employment and Assistance Regulation. The panel regrets the ministry’s absence as there was no opportunity to get more information or clarification from the ministry. The appellant’s advocate stated they were here to take notes and would not actively participate at the hearing. The advocate was off-screen during the hearing except during introductions.

At the hearing the appellant retold much of the information she had already given at reconsideration. She spoke of her ex-spouse not being reliable because of his addictions. Once they had to move out of their apartment because of this. She was basically a single mom. She had to always pay rent, bills like hydro and cable, top up CCS. He lied about paying the rent and hydro and once the hydro got cut off. She just had her second child and needed to work. At some point she owed money to the daycare. “He does not help with anything.” If he works the family sees nothing of his income. He said he couldn’t give money to the family because he owed money. She never knew how much money he earned. He did not tell her if he was working but she would find out from his sister. He lied about the money when he worked. Sometimes he had a job. He worked a lot out of town but never came home with money. Whenever he had money he “took off”. There were times when he gave her money and then he asked for money back. He was never responsible financially. Her mother has helped financially.

He was argumentative, not a good father and not a good person. He moved out 3-4 times a year and went to living with his mother or was couch-surfing. He often “took off” to party with his friends and came back the next day or stayed away for days. When he was supposed to look after their children he would leave them alone instead of watching them; she could not rely on him caring for her children. All her family was working - they could not help with child care. The safest place for their children was the daycare.

They ate together when he was home. He gave some money for groceries. Sometimes he paid, sometimes she did. He gave maximum \$500, and he also gave money to his parents.

Once they had a joint account around 2014/2015 but he cleaned it out and she had to close it and open her own account when they separated. They have separate bank accounts now. She has only 1 bank account in which her employment income is deposited. He has his own bank account and uses his money as he sees fit.

She could not break free from this relationship. She did not have the mental capacity to end it. It was better having him come and go than not having him at all. She tried to help him and allowed him to come

whenever he needed her. She knows now she should have left him but she wanted her kids to have a father. Only in the beginning their relationship was okay when the children were small. Maybe he was a good father in their first years. At the time they separated they were not emotionally together.

She knows the rules - she knows she has to report it when he is living with her.

Admissibility of New Information

In the Notice of Appeal and at the hearing the appellant provided more details about her relationship with the father of her children. The panel finds that this information is reasonably required for a full and fair disclosure of all matters related to the decision under appeal, as it contributes to the panel's understanding of this relationship - it is part of their story. The panel therefore admits this information as evidence pursuant to section 22(4) of the Employment and Assistance Act.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the ministry decision that the appellant received an overpayment of \$4,740.00 because she was not eligible for Child Care Subsidy (CCS) from May 1, 2016 to August 31, 2016 is reasonably supported by the evidence or a reasonable application of the legislation in the appellant's circumstances.

Legislation:

The Child Care Subsidy (CCS) Act Section 7(1) sets out that if a child care subsidy is paid to or for a person who is not entitled to it, that person is liable to repay to the government the amount to which the person was not entitled.

The CCS Regulation Section 1(1) defines "spouse", in relation to a parent, as anyone who

- (a) is married to the parent, or
- (b) is living with the parent in a marriage-like relationship;

The CCS Regulation Section 7 sets out that an applicant is not eligible for a child care subsidy if the family's monthly net income exceeds the child's income threshold, and the result of the calculation under Section 8(2) for the child is not more than zero.

Appellant's Position

The appellant argues that she should be eligible for the subsidy because her relationship with the father of her children was a very difficult on and off relationship; she had to shoulder all family responsibilities like a single mother.

She reports that her partner was not reliable and would leave home at any given moment to drink and do drugs. He often "took off" to party with his friends. He left for days without contact. He moved out 3-4 times a year to live with his mother or to find shelter by couch-surfing.

She could not rely on him to care for their children. When he was supposed to look after them he would leave them alone or refused to watch them altogether. He was never supportive of his family other than picking up the children from school or daycare periodically while the appellant was at work. The children love him and she allows him access.

She was paying almost for all household expenses. She had to always pay rent, hydro, cable, and child care when it was not covered by CCS. There were times when he gave her money and then he wanted it back. Sometimes he had a job. She never knew how much money he earned and he lied about his income. Whenever he had money he "took off". Once they had a joint account but he cleaned it out and she had to open her own account.

She was living in an abusive relationship and endured financial abuse, physical abuse, verbal abuse and emotional abuse. He controlled the finances, was argumentative, not a good father and not a good person. She felt unsafe and her children needed protection. Their relationship was only okay in the beginning when the children were small. He might have been a good father in their first years.

She was mentally not able to break away from this relationship. It was better having him come and go than not having him at all. She allowed him to come whenever he needed her.

Ministry Position

The ministry determined that the appellant and her partner were residing together in a marriage-like relationship for the period of March 1, 2016 to August 31, 2016. Information regarding the appellant's spouse's income was not disclosed to the ministry until August 2016. In a subsequent recalculation, the reconsideration decision found the appellant ineligible for amounts of subsidy she received for the period of May 1, 2016 to August 31, 2016.

The ministry's decision relied on the information the appellant provided to the ministry in August 2016 in which she advised that her partner had returned to live with the family in March 2016 and had been working since May 2016. For the renewal of the CCS benefit in August 2016, the appellant advised the ministry that they were a two parent, 4 unit family. Evidence confirmed the appellant's statement that they were living together and shared a common primary address.

The ministry determined the letters provided in the Request for Reconsideration demonstrate the appellant's spouse suffered from an alcohol and substance addiction, rendering him incapable of independently caring for the children. As such, in accordance with Section 3(2)(b)(xi) the ministry has determined that for the period March 1, 2016 and April 30, 2016, in a two parent home, the appellant required child care because one parent was employed and the other parent had a medical condition that interferes with that parent's ability to care for his or her child. Therefore, the appellant was eligible for subsidy for both children, in the amount of \$635.00/each per month, totalling \$2,540 for the two months. This amount as been deducted from the total overpayment as determined by the Verification and Audit Unit.

Section 7 of the CCS Regulation sets out that an applicant must meet an income test to be eligible for subsidy. The ministry reviewed the pay statements for the appellant's spouse that were attached to the Verification and Audit package, in conjunction with the Child Care Subsidy Overpayment Calculation provided by the Verification and Audit Officer. In accordance with Section 7 of the CCS Regulation, the ministry determined that the increase to the family income when taking into consideration his wage renders the appellant ineligible for subsidy. The ministry determined that due to the total family income the appellant was ineligible for subsidy she had received for the period May 1, 2016 to August 31, 2016. The appellant was not entitled to the subsidy of \$4740.00 she received for the period between May 1, 2016 and August 31, 2016 and is liable to repay this amount.

Panel Decision

The panel acknowledges that the relationship between the appellant and the father of her children was an immensely difficult one. The appellant had to take care of the great majority of family responsibilities and hardly received any support from him. In addition, she had to cope with his addictions which rendered him incapable of caring for their children and made family life even more challenging. Despite that she tried to support him in his struggle with his addictions and allowed him to come whenever he needed her.

Based on all the evidence before them, the panel finds the ministry was reasonable when it determined that from March 1 to August 31, 2016 the appellant was living in a marriage-like relationship with her spouse, the father of their 2 children, according to section 1(1) of the CCSR. The key evidence is:

- The appellant identified herself as “Married, or living in a marriage-like relationship” on a child care subsidy application that she and her spouse jointly signed.

Additional evidence in support of their marriage-like relationship:

- The appellant was living together with the father of their children.
- According to the appellant’s counsellor the appellant “was involved in a long-term common-law relationship”.
- The appellant reported she tried to help him deal with his addictions. The appellant’s mother stated that her daughter “did her best to support him as he tried treatment/counselling for his addictions”.

However, the panel does not find the ministry reasonable when it determined that the appellant received an overpayment because she was ineligible for the period of May 1 to August 31.

While the ministry argues that due to the total family income the appellant was ineligible for the subsidy she had received for the period May 1, 2016 to August 31, 2016 the panel finds that the ministry’s family income calculation is not reasonably supported by the evidence. Specifically, the panel finds the ministry was not reasonable when it determined that the start date of the appellant’s spouse’s employment was May 1, 2016 even though the appellant had filled in May 20, 2016 in the CCS application. While the ministry recorded that the appellant said her spouse was working since May there is not sufficient evidence that May 1 was the actual employment start date - the evidence rather points to May 20. The ministry could not offer an explanation of this significant inconsistency as they were not present at the hearing.

Section 7 of the SSCR sets out that an applicant is not eligible for a child care subsidy if the family’s monthly net income exceeds the child’s income threshold.

The panel finds that with an employment start date of May 20, 2016 the ministry did not reasonably determine that the family’s net income for the same month exceeded the child’s income threshold. In order to determine eligibility the ministry had calculated the appellant’s family income based on the spouse’s employment starting on May 1. As a result the panel finds that the ministry’s eligibility determination for May 2016 is not reasonably supported by the evidence and, as a further consequence, the ministry’s determination that the appellant had an overpayment because she was ineligible for amounts of CCS received for the period May 1 and May 31, 2016 is also not reasonably supported by the evidence.

The panel notes that a recalculation of the May family income with an employment start date of May 20, 2016 would reveal that the May family income was below the legislated income threshold and the appellant was eligible for CCS for the month of May.

The panel finds that based on the paystub information the ministry was reasonable to conclude that the appellant received an overpayment of CCS for June through August 2016.

Conclusion

In conclusion, the panel finds that the ministry's decision that there was an overpayment of CCS for May 2016 was not reasonably supported by the evidence. However, the panel finds that the ministry's decision that there was an overpayment for June through August 2016 was reasonably supported by the evidence. The ministry's reconsideration decision is rescinded and the appellant is successful, in part, on appeal.

Relevant Legislation

Child Care Subsidy Act

Information and verification

5 (1) For the purpose of determining or auditing eligibility for child care subsidies, the minister may do one or more of the following:

- (a) direct a person who has applied for a child care subsidy, or to or for whom a child care subsidy is paid, to supply the minister with information within the time and in the manner specified by the minister;
- (b) seek verification of any information supplied by a person referred to in paragraph (a);
- (c) direct a person referred to in paragraph (a) to supply verification of any information supplied by that person or another person;
- (d) collect from a person information about another person if
 - (i) the information relates to the application for or payment of a child care subsidy, and
 - (ii) the minister has not solicited the information from the person who provides it.

(2) A person to or for whom a child care subsidy is paid must notify the minister, within the time and in the manner specified by regulation, of any change in circumstances affecting their eligibility under this Act.

(3) If a person fails to comply with a direction under subsection (1) (a) or (c) or with subsection (2), the minister may

- (a) declare the person ineligible for a child care subsidy until the person complies, or
- (b) reduce the person's child care subsidy.

(4) For the purpose of auditing child care subsidies, the minister direct child care providers to supply the minister with information about any child care they provide that is subsidized under this Act.

Overpayments, repayments and assignments

7 (1) If a child care subsidy is paid to or for a person who is not entitled to it, that person is liable to repay to the government the amount to which the person was not entitled.

(2) Subject to the regulations, the minister may enter into an agreement, or may accept any right assigned, for the repayment of a child care subsidy.

(3) A repayment agreement may be entered into before or after a child care subsidy is paid.

(4) An amount that a person is liable to repay under subsection (1) or under an agreement entered into under subsection (2) is a debt due to the government and may

- (a) be recovered by it in a court of competent jurisdiction, or
- (b) be deducted by it from any subsequent child care subsidy or from an amount payable to that person by the government under a prescribed enactment.

(5)The minister's decision about the amount a person is liable to repay under subsection (1) or under an agreement entered into under subsection (2) is not open to appeal under section 6 (3).

Child Care Subsidy Regulation (CCSR) in effect from March 1, 2016 to August 31, 2016

Definitions

1 (1)In this regulation [before Sept 1, 2018]:
"spouse", in relation to a parent, means anyone who

- (a)is married to the parent, or
- (b)is living with the parent in a marriage-like relationship;

Circumstances in which subsidy may be provided

3 (1)The minister may pay a child care subsidy ...

(2)For the purpose of subsection (1) (a), the child care must be needed for one of the following reasons:

- (a)in a single parent family, because the parent
 - (i)is employed or self-employed,
 - (ii)attends an educational institution,
 - (iii)is seeking employment or participating in an employment-related program, or
 - (iv)has a medical condition that interferes with the parent's ability to care for the parent's child;
- (b)in a two parent family, because
 - (i)each parent is employed or self-employed, attends an educational institution or participates in an employment-related program,
 - (ii)one parent is engaged in an activity listed in subparagraph (i) and the other is seeking employment,
 - (iii)one parent is engaged in an activity listed in subparagraph (i) and the other parent has a medical condition that interferes with that parent's ability to care for that parent's child, or
 - (iv)Repealed. [B.C. Reg. 57/2002, s. 2 (b).]
 - (v)each parent has a medical condition that interferes with their ability to care for their child.

Income test

7 (1)An applicant is not eligible for a child care subsidy for a child receiving a type of child care if

- (a)the family's monthly net income exceeds the child's threshold, and
- (b)the result of the calculation under section 8 (2) for the child is not more than zero.

Amount of subsidy

8 (1)If a family's monthly net income does not exceed a child's threshold, the amount of child care subsidy for the child in respect of a type of child care is the amount set out in Schedule A or the parent fee, whichever is less, for the type of child care.

(1.1)If a parent is eligible for a subsidy for more than one type of child care set out in Schedule A, the minister may determine which subsidy rate applies.

(2)If a family's monthly net income exceeds a child's threshold, the amount of child care subsidy for the child in respect of a type of child care is

A - B

Where

A = the amount set out in Schedule A or the parent fee, whichever is less, for the type of child care;

B = the amount of A for the child, divided by the sum of the amounts of A for all children in the family receiving child care described in section 2, multiplied by 50% of the amount by which the family's monthly net income exceeds the child's threshold.

(2.1) Repealed. [B.C. Reg. 388/2004.]

(2.2) The child care subsidy for a child described in section 7 (2) is the amount set out in Schedule A or the parent fee, whichever is less, for the type of child care the child is receiving.

(3) If child care is required for less than 20 days per month, the child care subsidy will be prorated based on the daily rate set out in Schedule A or the daily parent fee, whichever is less.

(4) If the child care is

(a) arranged or recommended by staff delegated under the *Child, Family and Community Service Act*, after staff have

(i) offered support services or agreements to the child and family under section 16 (2) (a) of that Act,

(i.1) commenced an assessment under section 16 (2) (b.1) of that Act, or

(ii) commenced an investigation under section 16 (2) (c) of that Act, or

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

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.

(5) In this section, "parent fee" means the payment made by the parent for a child care space.

How monthly net income is calculated

9 (1) The monthly net income of a family is calculated by adding the income that each person in the family receives per month, including, but not limited to, the following:

(a) employment income;

(b) self-employment income;

(c) spousal support paid to a spouse;

(d) employment insurance benefits;

(e) workers' compensation benefits;

(f) training allowances;

(g) investment income, including interest;

(h) tips and gratuities;

(i) money earned by providing room and board, less essential operating costs;

(j) rental income of any kind, less essential operating costs;

(k) grants, bursaries or scholarships, except

(i) the amount for tuition or books, and

(ii) with respect to grants provided under the British Columbia Student Assistance Program, \$50 for each week covered by the grant.

(2) When calculating net income under subsection (1), the following are considered not to be income:

(a) income earned by a dependent child;

(b) the basic family care rate for foster homes;

(c) assistance paid under the *Employment and Assistance Act* or assistance paid under the *Employment and Assistance for Persons with Disabilities Act*;

(d) a family bonus;

- (e) the basic child tax benefit;
- (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) the BC earned income benefit;
- (i) maintenance paid for, and passed on, a person with disabilities or a person aged 19 or older;
- (j) 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;
- (k) 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;
- (l) 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;
- (m) post adoption assistance payments provided under section 28 (1) or 30 (1) of the Adoption Regulation, B.C. Reg. 291/96;
- (n) a rebate of energy or fuel tax provided by the government of Canada, the government of British Columbia, or an agency of either government;
- (o) payments granted by the government of British Columbia for the Ministry of Children and Family Development's Autism Funding: Under Age 6 Program;
- (p) payments granted by the government of British Columbia for the Ministry of Children and Family Development's Autism Funding: Ages 6-18 Program;
- (q) payments granted by the government of British Columbia under section 8 [agreement with child's kin and others] of the *Child, Family and Community Service Act*;
- (r) 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*;
- (s) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program;
- (t) loans provided under the British Columbia Student Assistance Program or under a student loan program of the federal government, the government of a province or the government of a jurisdiction outside Canada;
- (u) a benefit paid under section 4 (1) of the *Universal Child Care Benefit Act* (Canada);
- (v) the low income climate action tax credit under section 8.1 of the *Income Tax Act* (British Columbia);
- (w) the climate action dividend under section 13.02 of the *Income Tax Act* (British Columbia);

How child's threshold is calculated

10 (1) The threshold income level for a child receiving a type of child care is calculated by adding

- (a) the base threshold income level applicable under subsection (2) for the child's family, and
- (b) the amounts applicable to the child under subsection (3).

(2) The base threshold income level for a child's family is the amount set out in Column 2 opposite the family's size in Column 1:

Column 1 Family Size	Column 2 Base Threshold Income Level
2 persons	\$1 082
3 persons	\$1 275
4 persons	\$1 418
...	...

(3)The base threshold income level for a child is increased as follows:

- (a)by \$125 per month for each person in the child's family who
 - (i)is a child with special needs,
 - (ii)is a person with disabilities, or
 - (iii)has reached 65 years of age;
- (b)by \$515 per month for a child who
 - (i)has not reached school age and is receiving child care
 - (A)in a licence-not-required child care setting, or
 - (B)in the child's own home as described in section 2 (c), or
 - (ii)is of school age and is receiving child care in any child care setting;
- (c)by \$1 500 per month if the child has not reached school age and is receiving child care**
 - (i)in a licensed child care setting, or**
 - (ii)in a registered licence-not-required child care setting;**
- (c.1)Repealed. [B.C. Reg. 145/2011, s. 3 (d).]
- (d)by \$100 per month if the child
 - (i)is a child with special needs, and
 - (ii)receives a type of child care described in section 2.

Notifying the minister of change in circumstances

- 14** The notification required by section 5 (2) of the Act must be given in writing or by telephone,
- (a)as soon as possible after any change in circumstances affecting the eligibility of the parent, and
 - (b)to an employee in the Child Care Service Centre.

Schedule A

Item	Column 1	Column 2A	Column 2B	Column 3A	Column 3B
	Type of Child Care	4 Hours or Less Daily unless both before and after school care provided		More than 4 Hours Daily or both before and after school care provided	
		\$ Per Day	\$ Per Month	\$ Per Day	\$ Per Month
Subsidy Rates for Licensed Child Care Settings					

Appeal # 2022-0074

Licensed Group Care and Multi-Age Child Care					
1	G1 — Group (children under 19 months)	18.75	375.00	37.50	750.00
2	G2 — Group (children 19 months and over but under 37 months)	15.90	317.50	31.75	635.00
3	G3 — Group (children who have reached 37 months of age but who have not reached school age)	13.75	275.00	27.50	550.00
4	G4 — Group (children of school age)	10.38	207.50	20.75	415.00

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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)

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

Part H – Signatures

Print Name
Inge Morrissey

Signature of Chair

Date (Year/Month/Day)
2022/05/29

Print Name
Rick Bizarro

Signature of Member

Date (Year/Month/Day)
2022/05/30

Print Name
Katherine Wellburn

Signature of Member

Date (Year)
2022/05/30