

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry) decision finding the Appellant was not eligible for income assistance pursuant to section 16 (1) and (2) of the Employment and Assistance Regulation (EAR) because she is enrolled as a full time student in a funded program of studies. The Ministry held that the Appellant was not eligible for income assistance from the first day of the month following the month in which her classes started until the first day of the month in which her exams were held. This would mean that she was not eligible for assistance effective July 1, 2014 based on her full time enrollment commencing June 9, 2014.

### PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) section 16  
Canada Student Financial Assistance Regulation (CSFAR) section 2(1)

## PART E – Summary of Facts

The evidence before the Ministry at reconsideration was as follows:

- The Appellant is a single parent with a 1 dependant child family unit and had been receiving income assistance since November 2013.
- April 8, 2014 – The Appellant asked the Ministry if a hardship allowance was available to her if she enrolled in school for full time studies. The Ministry advised that she would not be eligible.
- June 20, 2014 – The Ministry received information from BC Student Loans that the Appellant had applied for a student loan to attend a full time funded program of studies.
- June 20, 2014 – The Ministry received a fax from Appellant's college stating that she was enrolled in the full time "ECE Basic" program from June 9, 2014 to May 8, 2015.
- June 23, 2014 – The Appellant's Request for Reconsideration
- June 26, 2014 – The Appellant's Notice of Appeal

At the hearing, the Appellant indicated that the Ministry did not provide details on how income assistance works in relation to student loans so she assumed her income assistance would continue until her student loan came through.

The panel finds that the Appellant was enrolled as a full time student in a funded program of studies effective June 9, 2014.

## PART F – Reasons for Panel Decision

The issue on appeal is whether the Ministry's decision to deny the appellant income assistance because she was enrolled as a full time student in a funded program of studies contrary to section 16 of the Employment Assistance Regulation (EAR) is reasonably supported by the evidence or a reasonable application of the applicable legislation in the circumstances of the appellant.

The relevant legislation is section 16 of the Employment and Assistance Regulation (EAR) and section 2(1) of the Canada Student Financial Assistance Regulation (CSFAR).

### Employment and Assistance Regulation

#### Definitions

1(1) "**full-time student**" has the same meaning as in the Canada Student Financial Assistance Regulations (Canada);

"**funded program of studies**" means a program of studies for which student financial assistance may be provided to a student enrolled in it;

"**student financial assistance**" means funding provided to students under the *Canada Student Financial Assistance Act* (Canada);

#### Effect of family unit including full-time student

**16** (1) A family unit is not eligible for income assistance for the period described in subsection (2) if an applicant or a recipient is enrolled as a full-time student

- (a) in a funded program of studies, or
- (b) in an unfunded program of studies without the prior approval of the minister.

(2) The period referred to in subsection (1)

- (a) extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams in the relevant program of studies are held, and
- (b) is not longer than one year.

### Canada Student Financial Assistance Regulation

**2.** (1) In the Act and these Regulations,

"full-time student"

"full-time student" means a person

(a) who, during a confirmed period within a period of studies, is enrolled in courses that constitute

(i) at least 40 per cent and less than 60 per cent of a course load recognized by the designated educational institution as constituting a full course load, in the case of a person who has a permanent disability and elects to be considered as a full-time student, or

(ii) at least 60 per cent of a course load recognized by the designated educational institution as constituting a full-time course load, in any other case,

(b) whose primary occupation during the confirmed periods within that period of studies is the pursuit of studies in those courses, and

(c) who meets the requirements of subsection 5(1) or 7(1) or section 33, as the case may be. (*étudiant à temps plein*)

Section 1(1) of the EAR indicates that the definition of full time student is the same as that provided in the Canada Student Financial Assistance Regulation.

The Appellant indicated that although she started school on June 9, 2014, she was not officially enrolled until the school received her criminal record check on June 13, 2014. She did not advise the Ministry earlier because she wasn't sure if the criminal record check would be clear and if the student loan would be approved. The June 20, 2014 letter from the college indicates that the Appellant is enrolled in the ECE Basic program as a full time student effective June 9, 2014.

The panel finds that the Ministry's determination that the Appellant was a full time student was reasonably supported by the evidence as the panel finds that Appellant's enrollment at the college meets the requirements as set out in sections 1(1) of the EAR.

Section 16(1) of the EAR sets out that a family unit is not eligible for income assistance if an applicant or a recipient is enrolled as a full-time student.

The panel finds the Ministry's determination that the Appellant was not eligible for income assistance was reasonably supported by the evidence as the panel finds that Appellant was a full time student enrolled in a funded program of studies as set out in section 16(1) of the EAR.

Section 16(2) of the EAR sets out that the period for which the Appellant would not be eligible for income assistance extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams in the relevant program of studies are held.

The panel finds that the Ministry's determination that the Appellant was not eligible for income assistance from July 1, 2014 to the last day of the month in which your exams will be held was reasonably supported by the evidence as the panel finds that the Appellant's program commenced on June 9, 2014 and will end on May 8, 2015.

The panel finds the Ministry's decision was reasonably supported by the evidence and confirms the decision.