

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Social Innovation (the Ministry) reconsideration decision dated 5th February 2019, which held that, as per Section 10(2) of the Employment Assistance Regulations, the appellant was not eligible for income assistance because, as per Section 10(2) of the EAR, her income was more than \$710.00 amount of income assistance determined for the appellant's family unit size under Schedule A.

PART D – RELEVANT LEGISLATION

- EAR – Employment and Assistance Regulation Section 1, 10 and 77.1
- EAR Schedule A Section 1, 2 and 4
- EAR Schedule B Section 1, 2, 3 and 4

PART E – SUMMARY OF FACTS

The information and evidence before the Ministry at reconsideration included the following:

- An application for Assistance dated 26th December 2018;
- A bank statement relating to the bank account of the appellant from one of the two banks for the month of November 2018 (Bank A);
- A bank statement relating to the bank account of the appellant from Bank A for the month of December 2018;
- A bank statement relating to the bank account of the appellant from the second bank (Bank B) for the month of November 2018;
- A bank statement relating to the bank account of the appellant from Bank B for the month of December 2018;
- Appellant's reasons for Request for Reconsideration dated 26th January 2019, which amongst other matters, state as follows:
 - The appellant is single with no family support, and this situation creates mental issues for her;
 - The appellant has a therapy dog that keeps her company;
 - The appellant has started a business and is self employed, as she does not like the idea of being disabled temporarily or otherwise;
 - As the appellant is no longer able to work, she merely books assignments for her business, which are completed by her sub-contractors;
 - If the appellant is able to bill e.g. \$750.00 to a potential client, \$500.00 thereof goes to her sub-contractors;
 - The appellant has a reoccurring medical condition that causes her chronic pain; and
 - The appellant had other medical conditions as well for which she has been prescribed for the symptoms but not the cause of the ailment.

In addition to the information described above, the panel received and reviewed the following additional information in the record of appeal:

- Ministry's Reconsideration dated 5th February 2019, which amongst other information, stated the following:
 - The appellant applied for income assistance on 17th December 2017 as a sole applicant in which she intimated her intention to apply for a Person With Disabilities (PWD) designation;
 - The appellant was self employed with a monthly income of \$1400.00 and her medical conditions prevented her from working in the same capacity as before; and that the appellant hired contractors to do the work on her behalf as she was unable to work herself;
 - On 14th January 2019, the Ministry advised the appellant that her business expenses were not allowable deductions from her business income;

- On 21st January, the Ministry's intake worker reviewed the bank statements for the months of November and December 2018 during which the appellant explained each deposit, and as a result thereof the Ministry intake worker calculated that the appellant's income from her business to be \$3424.00 for the month of November 2018 and \$3534.75 for the month of December 2018;
- The Ministry considered several legislative provisions relating to income assistance and disability assistance including the following:
 - As per Section 10(2) of the EA Regulation, the appellant was not eligible for income assistance because her monthly income was more than \$710.00 amount of income assistance determined for the appellant's family unit size under Schedule A;
 - Section 77.1 of the EAR says, a recipient must qualify as a person with persistent multiple barriers to employment to participate in the Ministry's Self-Employment Program. As the appellant was not currently in receipt of assistance and has not been determined that she qualifies as a person with persistent multiple barriers to employment, the appellant was not eligible to participate in the ministry's Self-Employment Program;
 - Schedule A of EAR, Section 2 and 4 specifies the maximum allowable rate of support and shelter. For a single employable person it is \$710.00 per month;
 - Schedule B of EAR clarifies how to calculate net income, what types of incomes are exempt and describes the allowable deductions from income. Section 2 states that the only deductions allowed from earned income are for income tax, employment insurance, medical insurance, Canada Pension Plan, superannuation, company pension plan and union dues;
 - Section 3(2) of Schedule B states that the appellant may not claim exemptions to earned income unless a member of the appellant's family unit has received assistance in the month prior. As the appellant had not received assistance since August 2017, the said exemptions did not apply to the appellant at the present time; and
 - Schedule B, Section 4 of the EAR provides small business exemptions for persons participating in a Self-Employment Program. These exemptions did not apply to the appellant as she was not participating in a Self-Employment Program;
- The Ministry noted that the appellant has not disputed the amounts calculated by the Ministry intake worker, but stated that if she made a booking for a work assignment that cost \$750.00, \$550.00 went directly to her contractor who completed the work assignment and the appellant received the balance;
- The appellant had indicated to the Ministry that she was no longer able to do the work herself because of her medical conditions;
- The Ministry noted that the appellant had not provided any evidence to confirm that her monthly income had changed since her application for income assistance;
- The Ministry further noted that while there were some email transfers out of the appellant's bank accounts to people who may have been contractor(s) of the appellant, the appellant had not provided any information to confirm the nature of her arrangements with her contractors or to show how much the appellant paid out to the contractor(s) each month;
- The Ministry determined that the money the appellant was paying to her contractor(s) is not an allowable deduction from her earned income because it is not an amount deducted at source for income tax, employment insurance, medical insurance, Canada pension Plan, superannuation, company pension plan, or union dues. Accordingly, the payments to the contractor(s) must be

included in the appellant's net income calculation when assessing her eligibility for income assistance;

- o The appellant may apply for a PWD designation;
 - o The disability assistance is an income and asset tested program and that the ministry will assess the appellant's eligibility for disability assistance, if her designation for PWD status was approved, based upon the appellant's income and assets at that time;
 - o Income assistance has been denied to the appellant as the appellant's business income as at 18th January is over income assistance disability rates; and
 - o Income from the appellant's business for the month of November totalled \$3424.00 and \$3534.75 for December.
 - o The appellant had indicated that the appellant uses parts of the income at times to pay contractors, which is not eligible deduction as per Schedule B Section 2. Section 28 of EAR explains that the amount of assistance is more than the amount determined under Schedule A (\$710.00) minus the amount determined under Schedule B (\$3534.75) = 0.
- A Notice of Appeal dated 6th February 2019, which amongst other matters stated that the appellant (i) could walk without pain; (ii) the appellant was not ready or able to work but was willing, as she did not wish to be homeless again.

The appellant did not attend the hearing and left a telephone message at the location where two panel members were attending the teleconference hearing to the effect that she was unable to attend the hearing because of the weather conditions. The two panel members at the relevant location confirmed that the weather conditions at the relevant location were fine. The Ministry representative was informed about the call from the appellant and requested continuance of the hearing. The panel members having determined that the appellant was duly served with the hearing notice on 19th February, proceeded with the hearing of the appeal.

The panel determined that the only additional documentary evidence submitted by the appellant was in her Notice of Appeal, in which she described her medical condition. The panel determined that the said evidence was admissible under Section 22 (4) of EAA as it was in support of the records and information before the Ministry at reconsideration. The panel also determined that although admissible, the said evidence was not relevant for the determination of the issues under this appeal.

Based on the foregoing, the panel makes the following findings of fact:

1. The appellant is a sole applicant for income assistance;
2. The appellant (i) has not been designated as a person with disabilities (PWD) or as a person with persistent multiple barriers to employment; (ii) is currently not in receipt of income assistance or disability assistance; (iii) is not participating or is eligible to participate in the Ministry's Self-Employment Program; (iv) has not received assistance since August 2017; and
3. The appellant has not disputed that she received \$3424.00, as earned income, in November 2018; and received \$3534.74, as earned income, in December 2018.

At the hearing, the ministry represented stood by the reconsideration decision and stated that:

- The Ministry makes a distinction between "applicants" of income assistance and "recipients" of income assistance;
- The appellant was denied income assistance as an "applicant", as her income in November 2018 was \$3424.00 and \$3534.74 in December 2018, which was more than her potential income assistance of \$710.00 per month, and therefore the appellant was ineligible for income assistance for the months of January and February 2019;
- If the appellant was designated as Person with Disabilities (PWD) and was on the Ministry Self employment Program, her business expenses would be deductible from her gross income; and
- The appellant was eligible to reapply for income assistance after she has been designated by the Ministry as a PWD, and at that time, the Ministry would be able to reconsider her gross income having regard to her involvement in the Ministry's Self Employment Program and her business expenses.

[Redacted]

PART F – REASONS FOR PANEL DECISION

The issue in this appeal is whether the Ministry's determination that the appellant was not eligible for income assistance because, as per Section 10(2) of the EAR, her income was more than \$710.00 amount of income assistance determined for the appellant's family unit size under Schedule A, was reasonably supported by evidence or a reasonable application of the applicable enactment in the circumstances of the appellant.

Relevant Legislation Provides:

Employment And Assistance Regulation

Part 1 — Interpretation

Definitions

1(1) In this regulation:

"earned income" means

- (a) any money or value received in exchange for work or the provision of a service,
- (b) Repealed. [B.C. Reg. 197/2012, Sch. 1, s. 1 (a).]
- (c) pension plan contributions that are refunded because of insufficient contributions to create a pension,
- (d) money or value received from providing room and board at a person's place of residence, or
- (e) money or value received from renting rooms that are common to and part of a person's place of residence;

Limits on income

- 10** (1) For the purposes of the Act and this regulation, **"income"**, in relation to a family unit, includes an amount garnished, attached, seized, deducted or set off from the income of an applicant, a recipient or a dependant.
- (2) A family unit is not eligible for income assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of income assistance determined under Schedule A for a family unit matching that family unit.

Schedule A

Income Assistance Rates

Maximum amount of income assistance before deduction of net income

- 1** (1) Subject to this section and sections 3 and 6 to 10 of this Schedule, the amount of income

assistance referred to in section 28 (a) [*amount of income assistance*] of this regulation is the sum of

(a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus

(b) the shelter allowance calculated under sections 4 and 5 of this Schedule.

(2) Despite subsection (1) but subject to subsection (3), income assistance may not be provided in respect of a dependent child if support for that child is provided under section 8 (2) or 93 (1) (g) (ii) of the *Child, Family and Community Service Act*.

(3) If

(a) an application is made by a parenting dependent child under section 5 (4) [*application by parent who is dependent youth*] of this regulation,

(b) the family unit is found eligible for income assistance, and

(c) support is provided for the parenting dependent child or his or her dependent child, or for both, under section 8 (2) or 93 (1) (g) (ii) of the *Child, Family and Community Service Act*,

the restriction in subsection (2) does not apply, but the amount of income assistance that may otherwise be provided to the family unit is to be reduced by the amount of that support.

Monthly support allowance

2 (0.1) For the purposes of this section:

"**deemed dependent children**", in relation to a family unit, means the persons in the family unit who are deemed to be dependent children under subsection (5);

"**warrant**" has the meaning of a warrant in section 15.2 [*consequences in relation to outstanding arrest warrants*] of the Act.

(1) A monthly support allowance for the purpose of section 1 (a) is the sum of

(a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2, plus

(b) the amount calculated in accordance with subsections (2) to (4) for each dependent child in the family unit.

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of support
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1	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age	\$335.00
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Monthly shelter allowance

4 (1) For the purposes of this section:

"family unit" includes a child who is not a dependent child and who resides in the parent's place of residence for not less than 40% of each month, under the terms of an order or an agreement referred to in section 1 (2) of this regulation;

"warrant" has the meaning of a warrant in section 15.2 [*consequences in relation to outstanding arrest warrants*] of the Act.

(2) The monthly shelter allowance for a family unit to which section 15.2 of the Act does not apply is the smaller of

- (a) the family unit's actual shelter costs, and
- (b) the maximum set out in the following table for the applicable family size:

Item	Column 1 Family Unit Size	Column 2 Maximum Monthly Shelter
1	1 person	\$375

Schedule B

Net Income Calculation

Deduction and exemption rules

1 When calculating the net income of a family unit for the purposes of section 28 (b) [*amount of income assistance*] of this regulation,

- (a) the following are exempt from income:
 - (i) any income earned by a dependent child attending school on a full-time basis;
 - (ii) Repealed. [B.C. Reg. 96/2017, App. 1, s. 2 (a).]
 - (iii) Repealed. [B.C. Reg. 48/2010, Sch. 1, s. 1 (b).]
 - (iv) a family bonus, except the portion treated as unearned income under section 10 (1) of this Schedule;
 - (iv.1) the Canada child benefit, except the portion treated as unearned income

- under section 10 (1) of this Schedule;
- (v) the basic child tax benefit;
 - (vi) a goods and services tax credit under the *Income Tax Act* (Canada);
 - (vii) a tax credit under section 8 [*refundable sales tax credit*], 8.1 [*climate action tax credit*] or 8.2 [*BC harmonized sales tax credit*] of the *Income Tax Act* (British Columbia);
 - (viii) individual redress payments granted by the government of Canada to a person of Japanese ancestry;
 - (ix) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;
 - (x) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus or to the surviving spouse or dependent children of that person;
 - (xi) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;
 - (xii) money that is
 - (A) paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or
 - (B) paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry;
 - (xiii) the BC earned income benefit;
 - (xiv) money paid or payable under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid or payable under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
 - (xv) 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;
 - (xvi) Repealed. [B.C. Reg. 197/2012, Sch. 1, s. 22 (a).]
 - (xvii) 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;
 - (xviii) post adoption assistance payments provided under section 28 (1) or 30.1 of

the Adoption Regulation, B.C. Reg. 291/96;

(xix) a rebate of energy or fuel tax provided by the government of Canada, the government of British Columbia, or an agency of either government;

(xx) Repealed. [B.C. Reg. 85/2012, Sch. 1, s. 5.]

(xxi) 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*;

(xxii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program;

(xxiii) Repealed. [B.C. Reg. 85/2012, Sch. 1, s. 5.]

(xxiv) 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*, for contributions to the support of a child;

(xxv) a loan that is

(A) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 77.2 of this regulation, and

(B) received and used for the purposes set out in the business plan;

(xxvi) payments granted by the government of British Columbia under the Ministry of Children and Family Development's

(A) Autism Funding: Under Age 6 Program, or

(B) Autism Funding: Ages 6 — 18 Program;

(xxvii) Repealed. [B.C. Reg. 148/2015, App. 1, s. 1 (a).]

(xxviii) payments made by a health authority or a contractor of a health authority to a recipient, who is a "person with a mental disorder" as defined in section 1 of the *Mental Health Act*, for the purpose of supporting the recipient in participating in a volunteer program or in a mental health or addictions rehabilitation program;

(xxix) a refund provided under Plan I as established under the Drug Plans Regulation;

(xxx) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills program, or a supported work placement program, approved by Community Living BC;

(xxxi) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act* (Canada);

(xxxii) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990, except money paid under that

agreement as income replacement;

(xxxiii) money withdrawn from a registered disability savings plan;

(xxxiv) a working income tax benefit provided under the *Income Tax Act* (Canada);

(xxxv) Repealed. [B.C. Reg. 180/2010, s. 1 (b).]

(xxxvi) the climate action dividend under section 13.02 of the *Income Tax Act*;

(xxxvii) money paid or payable to a person under the *Criminal Injury Compensation Act* as compensation for non-pecuniary loss or damage for pain, suffering mental or emotional trauma, humiliation or inconvenience that occurred when the person was under 19 years of age;

(xxxviii) money that is paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. S024338, Vancouver Registry;

(xxxix) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Family Support Services program;

(xl) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Supported Child Development program;

(xli) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Aboriginal Supported Child Development program;

(xlii) money paid or payable from a fund that is established by the government of British Columbia, the government of Canada and the City of Vancouver in relation to recommendation 3.2 of the final report of the Missing Women Commission of Inquiry;

(xliii) payments granted by the government of British Columbia under the Temporary Education Support for Parents program;

(xliv) a BC early childhood tax benefit;

(xlv) child support;

(xlvi) orphan's benefits under the *Canada Pension Plan Act* (Canada);

(xlvii) gifts, other than recurring gifts;

(xlviii) compensation paid or payable under section 17 [*compensation in fatal cases*] or 18 [*addition to payments*] of the *Workers Compensation Act* to a dependant, as defined in section 1 of that Act, who is a child, as defined in section 17 of that Act;

(xlix) money that is paid or payable by or for Community Living BC to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by

Community Living BC, an employee of Community Living BC or a person retained under a contract to perform services for Community Living BC;

(l) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by the minister, the ministry, an employee of the ministry or a person retained under a contract to perform services for the ministry;

(l.1) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by the Minister of Children and Family Development, that ministry, an employee of that ministry or a person retained under a contract to perform services for that ministry;

(l.2) money that is paid or payable by the government of British Columbia to or for a person because the person was a resident of Woodlands School;

(li) a disabled contributor's child's benefit paid or payable under the *Canada Pension Plan*;

(lii) payments granted under an agreement referred to in section 94 of the *Child, Family and Community Service Act*;

(liii) money that is paid or payable, in respect of a child, from property that comes into the control of, or is held by, the Public Guardian and Trustee;

(liv) money that is paid or payable from a settlement in respect of Treaty No. 8 agricultural benefits;

(lv) money that is paid or payable from a settlement under

(A) the Cadboro Bay Litigation Settlement Agreement, dated for reference November 1, 2017, between the Esquimalt Nation and Canada, or

(B) the settlement agreement, dated for reference October 30, 2017, between the Songhees Nation and Canada,

(b) any amount garnished, attached, seized, deducted or set off from income is considered to be income, except the deductions permitted under sections 2 and 6 of this Schedule,

(c) all earned income must be included, except the deductions permitted under section 2 and any earned income exempted under sections 3 and 4 of this Schedule, and

(d) all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 7 and 8 of this Schedule.

Deductions from earned income

2 The only deductions permitted from earned income are the following:

- (a) any amount deducted at source for
 - (i) income tax,
 - (ii) employment insurance,
 - (iii) medical insurance,
 - (iv) Canada Pension Plan,
 - (v) superannuation,
 - (vi) company pension plan, and
 - (vii) union dues;
- (b) if the applicant or recipient provides both room and board to a person at the applicant's or recipient's place of residence, the essential operating costs of providing the room and board;
- (c) if the applicant or recipient rents rooms that are common to and part of the applicant's or recipient's place of residence, 25% of the gross rent received from the rental of the rooms.

Exemption — earned income

3 (1) Subject to subsection (2), the amount of earned income calculated under subsection (6) is exempt for a family unit.

(2) A family unit may not claim an exemption under this section in relation to the first calendar month for which the family unit becomes eligible for income assistance unless a member of the family unit received disability assistance or income assistance in at least one of the 3 calendar months immediately preceding that first calendar month.

(3) to (5) Repealed. [B.C. Reg. 145/2015, Sch. 1, s. 16.]

(6) The exempt amount for a family unit is the lesser of the family unit's total earned income in the calendar month of calculation and the following:

- (a) \$400, if the family unit is not described in paragraph (b), (c) or (d);
- (b) \$600, if the family unit
 - (i) includes a recipient who
 - (A) has a dependent child, or
 - (B) provides care to a supported child, and
 - (ii) is not described in paragraph (c) or (d);
- (c) \$700, if
 - (i) the family unit includes a recipient who
 - (A) has a dependent child, or
 - (B) provides care to a supported child,

(ii) the child has a physical or mental condition that, in the minister's opinion, precludes the recipient from leaving home for the purposes of employment or working, on average, more than 30 hours each week, and

(iii) the family unit is not described in paragraph (d);

(d) \$700, if the family unit includes a person who has persistent multiple barriers to employment.

(7) A transient is not entitled to an exemption under this section.

Small business exemption

4 (1) In this section and section 5,

"permitted operating expenses" means costs, charges and expenses incurred by a person in the operation of a small business, under a self-employment program in which the person is participating, for the following:

- (a) purchase of supplies and products;
- (b) accounting and legal services;
- (c) advertising;
- (d) taxes, fees, licences and dues incurred in the small business;
- (e) business insurance;
- (f) charges imposed by a savings institution on an account and interest;
- (f.1) payments, including principal and interest, on a loan that is
 - (i) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 77.2 of this regulation, and
 - (ii) received and used for the purposes set out in the business plan;
- (g) maintenance and repairs to equipment;
- (h) gross wages paid to employees of the small business, but not including wages paid to
 - (i) the person participating, or
 - (ii) a person in the family unit of the person participating;
- (i) motor vehicle expenses;
- (j) premiums for employment insurance or workers' compensation benefits;
- (k) employer contributions for employment insurance, workers' compensation or the Canada Pension Plan;
- (l) rent and utilities, excluding rent and utilities for the place of residence of the persons described in subparagraphs (i) and (ii) of paragraph (h) unless
 - (i) there is an increase for rent or utilities and the increase is attributable to the small business, and

(ii) the increase is not provided for in the calculation of the family unit's shelter allowance under Schedule A of this regulation;

(m) office expenses;

(n) equipment purchases or rentals.

(2) Earned income of a recipient of income assistance is exempted from the total income of the recipient's family unit if

(a) the recipient is participating in a self-employment program, and

(b) the earned income is derived from operating a small business under the self-employment program in which the recipient is participating and

(i) is used for permitted operating expenses of the small business, or

(ii) is deposited in a separate account, established by the recipient in a savings institution, which account

(A) consists exclusively of funds reserved by the recipient for the purpose of paying permitted operating expenses of that small business, and

(B) the amount deposited does not increase the current balance of the separate account to a sum that exceeds \$5 000, or

(iii) is used for costs of renovations to the recipient's place of residence up to but not exceeding \$5 000 in total or a greater amount accepted by the minister, if the renovations are part of a business plan accepted by the minister under section 77.2 of this regulation.

PANEL DECISION

The panel notes that although the appellant's application was for income assistance, the Ministry also considered the appellant's potential eligibility for income assistance under Section 77.1 of the EAR that applies to a person with multiple barriers to employment. The panel makes no comment relating thereto as it is not a relevant issue under this appeal.

The panel considered the following applicable legislation and facts to the circumstances of the appellant:

- Schedule A of EAR, Section 2 specifies that the maximum allowable rate of support and shelter for a single employable person, like the appellant, is \$710.00 per month;
- Section 10(2) of the EAR provides that an applicant is ineligible for income assistance if the applicant's income is more than \$710.00 per month;
- As the appellant is a single employable family unit, and has not disputed that her gross monthly business income for the month of November totalled \$3424.00 and \$3534.75 for the month of December, the appellant is not eligible for the potential income assistance in the amount of \$710.00 per month, as Schedule B of the EAR specifies that only income tax, employment insurance, medical insurance, Canada Pension Plan, superannuation, company pension plan and union dues are allowable deductions from the appellant's business income of \$3424.00 for the month of November and \$3534.75 for the month of December; and

- Furthermore, (i) as required by Section 3(2) of Schedule B of the EAR, the appellant has not received any income assistance in the prior month. Her last income assistance was in August 2017; and (ii) the appellant is also not eligible for small business exemptions for persons participating in the Ministry's Self-Employment Program, as she was not enrolled in or participating Self-Employment Program.

Having regard to the above-mentioned reasons and the findings of the panel described in the SUMMARY OF FACTS –Section E above, the panel finds that the reconsideration decision of the Ministry was reasonably supported by the evidence and a reasonable application of the applicable enactment in the circumstances of the appellant.

Therefore, the panel confirms the reconsideration decision of the Ministry.

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

TAJDIN MITHA

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/02/28

PRINT NAME

PATRICK COOPER

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/02/28

PRINT NAME

MARILYN MELLIS

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/02/28