

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated August 11, 2022, which determined the appellant was not eligible for disability assistance for August 2022 as per the Employment and Assistance for Persons with Disabilities Regulation, sections 1, 6, 9, 24 and 29 and Schedules A and B.

Specifically, the ministry determined the appellant was not eligible for August 2022 disability assistance as the family has reached its Annual Earnings Exemption limit for 2022 and the net income of the family in June 2022, which affects August disability assistance, exceeded the rate of disability assistance.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) sections 1, 6, 9, 24 and 29, Schedule A, sections 1, 2 and 4 and Schedule B, sections 1, 2, and 3

Part E – Summary of Facts**Relevant Evidence Before the Minister at Reconsideration****Ministry Records show:**

- The appellant has Persons with Disabilities (PWD) designation and receives assistance as a single parent with one dependent child. His file was reopened in October 2014. In June 2022 the appellant confirmed his wife has a work visa but not Permanent Residence nor Canadian Citizenship status. The ministry determined that as she does not have immigration status in Canada she does not receive ministry assistance.
- The appellant receives \$1,755.50 per month for disability assistance (\$1,133.50 support allowance, \$570.00 shelter allowance, and \$52.00 transportation supplement).
- On July 20, 2022 the ministry reviewed paystubs from the appellant's spouse's employment. The ministry advised the appellant that his file was being switched to Medical Services Only, as his Annual Earnings Exemption (AEE) had been exhausted for 2022.

Request for Reconsideration (August 18, 2022)

The appellant states he is unhappy with the decision to stop his disability assistance as he is old and has no source of income. There are four members in their house (appellant, his spouse and two children). His spouse's income is nearly \$2,200.00 – \$2,500.00/month and his children do not have any income as they are students. Their house rent is \$1400/month, and with the rest (\$1,100.00), they buy groceries and other household items. The appellant states they are not able to adjust this.

Appellant's Spouse's Pay Slip (pay date May 13, 2022)

Net pay - year to date - \$14,600.73

Appellant's Spouse's Pay Slip (pay date June 1, 2022)

Net pay - \$1,391.91

Appellant's Spouse's Pay Slip (pay date June 15, 2022)

Net pay - \$1,388.78, year to date - \$17,381.46

Appellant's Spouse's Pay Slip (pay date June 30, 2022)

Net pay - \$1,119.70,

Monthly Report (July 5, 2022)

Under the section "Declare all income..." the appellant stated,

Net Employment Income - \$2,508.48

Child Support - \$481.00

Income Tax Refund - \$200.00

The report was signed by both the appellant and his spouse.

Immigration, Refugees and Citizenship Canada Work Permit

Date Issued September 30, 2019

Expiry Date – September 30, 2021

Letter to Appellant’s Spouse from Service Canada (October 2019)

Social insurance number expires September 2021

Annual Earnings Exemption Calculation (2021 onward)

AEE available at start of month	Income month	Qualifying income amount	Benefit Month	Exempt income amount	Non-exempt income amount	AEE remaining at end of month
\$15,000.00	January	\$2,616.01	March	\$2,616.01	\$0.00	\$12,383.99
\$12,383.99	February	\$2,813.56	April	\$2,813.56	\$0.00	\$9,570.43
\$9,570.43	March	\$2,597.17	May	\$2,597.17	\$0.00	\$6,973.26
\$6,973.26	April	\$5,175.19	June	\$5,175.19	\$0.00	\$1,798.07
\$1,798.07	May	\$1,398.80	July	\$1,398.80	\$0.00	\$399.27
\$399.27	June	\$3,900.39	August	\$399.27	\$3,501.12	\$0.00
\$0.00	July	\$0.00	September	\$0.00	\$0.00	\$0.00
\$0.00	August	\$0.00	October	\$0.00	\$0.00	\$0.00
\$0.00	September	\$0.00	November	\$0.00	\$0.00	\$0.00
\$0.00	October	\$0.00	December	\$0.00	\$0.00	\$0.00
\$0.00	November	\$0.00	January	\$0.00	\$0.00	\$0.00
\$0.00	December	\$0.00	February	\$0.00	\$0.00	\$0.00

Additional Information

Appellant

Notice of Appeal (August 31, 2022)

The appellant states he is appealing because the ministry denied his appeal previously and he is not satisfied with the decision.

Letter from Appellant (August 31, 2022)

The appellant states he is not able to work because of his age and disability. There are three members in their house. Their son does not earn any income as he is a student and their daughter lives in another country. His spouse earns \$2,200.00 – \$2,500.00 per month and they pay \$1,400.00 rent per month. With the rest of their income (\$1,100.00), they manage groceries and household items. The appellant states \$1,100.00 is a very little amount for the family. As well, their daughter is dependent on them; they give her \$500.00 every month.

At the hearing, the appellant stated he had been in a truck accident and was seriously hurt. As a result, he has been on disability for seven or eight years. Even before his accident he had many health issues.

In 2019 he was married. His wife continued working and they have provided the ministry with the paystubs from his wife's employment. The appellant stated that after their expenses are paid they are left with \$500.00, which goes toward the phone bill, groceries etc. They have two children and their daughter is in another country. It's very hard to survive.

When asked if the appellant believes the ministry has made a mistake in calculating his spouse's earnings and the AEE, the appellant stated he doesn't know.

In response to clarification of the appellant's spouse's present work status (re: expired work permit and social insurance number), the appellant's spouse, on behalf of the appellant stated she has an open work permit and doesn't believe a social insurance number has an expiry date. The appellant added he is a Canadian citizen and they are waiting for permanent residency status for his wife.

The panel determined all the additional information is reasonably required for a full and fair disclosure of all matters related to the decision under appeal and therefore is admissible under section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

The ministry did not attend the hearing. After confirming that the ministry was notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

The issue on appeal is whether the ministry's reconsideration decision that determined the appellant was not eligible for disability assistance for August 2022 as per the EAPWDR, was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, did the ministry reasonably determine that the appellant was not eligible for August 2022 disability assistance as the family had reached its AEE limit for 2022 and the family's June 2022 net income exceeded the disability assistance rate?

Relevant sections of the legislation can be found in the Schedule of Legislation at the end of this decision.

Appellant Argument

The appellant argues he is not able to work because of his age and disability and has no source of income. There are four members in their house (appellant, his spouse and two children – one of which is out of the country).

His spouse's income is nearly \$2,200.00 – \$2,500.00/month, and his children do not have an income as they are students. Their rent is \$1400/month, and with the rest, \$1,100.00, they buy groceries and other household items. The appellant argues they are not able to make adjustments and is requesting that his disability assistance be continued.

Ministry Argument

The ministry argues that although the appellant has a spouse who is not on disability assistance, in accordance with section 6(3) of the EAPWDR, the appellant must declare the spouse's income.

The ministry also argues that the money the appellant's spouse receives from employment is earned income because it is money received in exchange for work or the provision of a service.

Upon review of the appellant's file, the ministry notes that as of May 13, 2022 the appellant's spouse's year-to-date net earnings from employment were \$14,600.73. The ministry is satisfied they were not paid later in May. The ministry argues that this means the appellant had \$399.27 remaining for their AEE limit for 2022.

The appellant's spouse's June paystubs indicate that they earned \$3,900.39 net employment income in June. The first \$399.27 of this income is exempt under Section 3 of schedule B (EAPWDR). This means the appellant's June net income under schedule B is:
 $\$3900.39 - \$399.27 = \$3501.12$.

The ministry argues further that as the appellant reached the AEE limit for 2022, \$3,501.12 was not exempt and must be included in the net income calculation. Therefore, in accordance with Section 9(2)

of the EAPWDR, the appellant is not eligible for August assistance as the income of \$3,501.12 is more than the rate of assistance for the appellant's family unit size. The appellant's spouse's employment income in 2022 is no longer exempt and must be deducted from the appellant's rate of disability assistance.

The ministry adds that if the appellant's spouse's employment income changes in the future, he may be eligible for disability assistance.

Panel Analysis

Sections 1, 6, 9 and 24 EAPWDR – earned income definition, citizenship requirements and limits

Section 1 of the EAPWDR states earned income means any money received in exchange for work. The panel finds the paystubs submitted demonstrate earned income in exchange for work.

Subsection 6(1) states for a family unit to be eligible for disability assistance at least one applicant or recipient in the family unit must be a Canadian citizen. The appellant states he is a Canadian citizen. This is not in dispute. Subsection 6(2) then states disability assistance may be provided to the family for each person who meets certain citizenship criteria. The panel finds the appellant's spouse does not meet any of the criteria under subsection 6(2). Subsection 6(3) states if a family includes a person who is not described in subsection (2), the person's income must be included in the income of the family unit for the purposes of determining whether the family is eligible for assistance. Therefore, the panel finds the ministry reasonably determined that the appellant's spouse's earnings should be included in the AEE calculation to determine the amount of his disability assistance.

Section 9 of the EAPWDR states a family is not eligible for disability assistance if the net income of the family determined under Schedule B equals or exceeds the amount of disability assistance determined under Schedule A. And, section 24 states disability assistance may be provided to a family, for a calendar month, in an amount that is not more than the amount determined under Schedule A, minus the family unit's net income determined under Schedule B.

The appellant's spouse's pay stubs show net pay for June 2022 total \$3,901.39.

Section 29 EAPWDR – reporting requirement

Section 29 states the report must be submitted by the 5th day of the calendar month following the calendar month in which a family unit receives earned income (the amount of earned income received by the family in the calendar month and the source of that income). The AEE calculation chart shows the appellant and his spouse have been reporting the income. The ministry does not dispute this.

Schedule A, EAPWDR, sections 1, 2 and 4 – maximum disability assistance, support and shelter allowance

Section 1 states the amount of disability assistance is the sum of the monthly support allowance plus the shelter allowance. The monthly support allowance for a sole applicant/recipient and one or more dependent children is determined as \$1,133.50 (section 2) and the monthly maximum shelter allowance

for 2 persons is determined as \$570.00 (section 4). Ministry records show the monthly disability assistance includes a \$52.00 transportation supplement. $\$1,333.50 + \$570.00 + \$52.00$ (transportation supplement) = \$1,755.50.

Schedule B, EAPWDR, sections 1 and 2 - deduction and exemption rules

Section 1 provides a listing of monies that are exempt from income when calculating the family net income. The only deductions permitted from earned income are an amount deducted at source for income tax, employment insurance, medical insurance, Canada Pension Plan, superannuation, company pension plan, and union dues (section 2). The panel finds that the ministry was reasonable to rely on the net pay amounts on the spouse's June 2022 pay stubs to determine that the net income of the family unit for June 2022 was \$3,900.39.

Schedule B, EAPWDR, section 3 – annual exemption

Section 3 of the EAPWDR states, base amount means \$1,250.00, in the case of a family unit that includes only one recipient. The panel notes, ministry records show the appellant has PWD designation and receives assistance as a single parent with one dependent child. Therefore, the panel finds the ministry reasonably determined the AEE is \$15,000.00/year ($\$1,250 \times 12$ months = \$15,000.00)

The panel finds that the pay stubs for January through June 2022 support the ministry's conclusion that as of June 2022 the spouse's net income was \$14,600.73 and that only \$399.27 remained of the AEE.

As $\$3,900.39$ (June net income) - $\$399.27$ (remaining AEE) = $\$3,501.12$, which is greater than \$1,755.50 (disability assistance), the panel finds the ministry reasonably determined that in accordance with sections 9 and 24 of the EAPWDR, the appellant was not entitled to disability assistance for August 2022 (benefit month).

Conclusion

In conclusion, the panel finds the ministry decision which determined the appellant was not eligible for disability assistance for August 2022 as per the EAPWDR, as the family had reached its AEE limit for 2022 and had net income in excess of the disability assistance rate, was reasonably supported by the evidence.

The appellant is not successful on appeal.

Schedule of Legislation

Employment and Assistance for Persons with Disabilities Regulation

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...

Citizenship requirements

6 (1) For a family unit to be eligible for disability assistance at least one applicant or recipient in the family unit must be

(a) a Canadian citizen...

(2) If a family unit satisfies the requirement under subsection (1), disability assistance and supplements may be provided to or for the family unit on account of each person in the family unit who is

(a) a Canadian citizen,

(b) authorized under an enactment of Canada to take up permanent residence in Canada,

(c) determined under the *Immigration and Refugee Protection Act* (Canada) or

the *Immigration Act* (Canada) to be a Convention refugee,

(d) in Canada under a temporary resident permit issued under the *Immigration and Refugee Protection Act* (Canada) or on a minister's permit issued under the *Immigration Act* (Canada),

(e) in the process of having a claim for refugee protection, or application for protection, determined or decided under the *Immigration and Refugee Protection Act* (Canada),

(f) subject to a removal order under the *Immigration and Refugee Protection Act* (Canada) that cannot be executed, or

(g) a dependent child.

(3) If a family unit includes a person who is not described in subsection (2),

(a) the person's income and assets must be included in the income and assets of the family unit for the purposes of determining whether the family unit is eligible for assistance, except as otherwise provided in this regulation...

Limits on income

9 ...

(2) A family unit is not eligible for disability assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of disability assistance determined under Schedule A for a family unit matching that family unit.

Amount of disability assistance

24 Disability assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than

- (a) the amount determined under Schedule A, minus
- (b) the family unit's net income determined under Schedule B.

Reporting requirement

29 For the purposes of section 11 (1) (a) [*reporting obligations*] of the Act,

(a) the report must be submitted by the 5th day of the calendar month following the calendar month in which one or more of the following occur:

- (i) a change that is listed in paragraph (b) (i) to (v);
- (ii) a family unit receives earned income as set out in paragraph (b) (vi);

...

(b) the information required is all of the following, as requested in the monthly report form specified by the minister:

- (i) change in the family unit's assets;
- (ii) change in income received by the family unit and the source of that income;
- (iii) change in the employment and educational circumstances of recipients in the family unit;

...

(vi) the amount of earned income received by the family unit in the calendar month and the source of that income;

...

Schedule A

Disability Assistance Rates

(section 24 (a))

Maximum amount of disability assistance before deduction of net income

1 (1) Subject to this section and sections 3 and 6 to 8 of this Schedule, the amount of disability assistance referred to in section 24 (a) [*amount of disability 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.

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);

...

(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 (\$)
2	Sole applicant / recipient and one or more dependent children	Applicant / recipient is a person with disabilities	\$1 133.50

Monthly shelter allowance

4 (1)For the purposes of this section:

"family unit" includes a child who is not a dependent child and who relies on the parent for the necessities of life and resides in the parent's place of residence for not less than 40% of each month...

(2)The monthly shelter allowance for a family unit other than a family unit described in section 14.2 (1) of the Act is the greater of

(a)the minimum set out in the following table for the family unit, and

(b)the lesser of

(i)the family unit's actual shelter costs, and (ii)the maximum set out in the following table for the family unit.

Item	Column 1 Family Unit Size	Column 2 Minimum	Column 3 Maximum
2	2 persons	\$150	\$570

Schedule B

Net Income Calculation

(section 24 (b))

Deduction and exemption rules

1 When calculating the net income of a family unit for the purposes of section 24

(b) [*amount of disability 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. 2, s. 2 (a).]

(iii)Repealed. [B.C. Reg. 48/2010, Sch. 1, s. 2 (c).]

(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;
- (xii.1) money that is paid or payable to or for a person if the payment is in accordance with the settlement under the Final Settlement Agreement and Supplementary Agreement approved by the Federal Court June 22, 2018 in Court File No. T-370-17, *Todd Edward Ross et al. v. Her Majesty the Queen*;
- (xii.2) money that is paid or payable to or for a person if the payment is in accordance with the settlement under the Final Settlement Agreement approved by the Federal Court January 30, 2019 in Court File No. T-1068-14, *Raymond Michael Toth v. Her Majesty the Queen*;
- (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. 2, s. 11 (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;
- (xvii.1) money that is paid or payable to or for a person if the payment is in accordance with
- (A) the Sixties Scoop Settlement made November 30, 2017, or
- (B) the Federal Indian Day Schools Settlement made March 12, 2019, as amended May 13, 2019;
- (xviii) financial assistance payments provided under Part 6 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) money paid by the government of British Columbia, under a written agreement, to a person with disabilities or to a trustee for the benefit of a person with disabilities to enable the person with disabilities to live in the community instead of in an institution;
- (xxi) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 7.]

(xxii) 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*;

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

(xxiv) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 7.]

(xxv) 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;

(xxvi) a loan that is

(A) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 70.1 of this regulation, and

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

(xxvii) 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;

(xxviii) Repealed. [B.C. Reg. 148/2015, App. 2, s. 1 (a).]

(xxix) 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;

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

(xxxi) 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;

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

(xxxiii) 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;

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

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

(xxxvi) Repealed. [B.C. Reg. 180/2010, s. 2 (b).]

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

(xxxviii) 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;

(xxxix) 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;

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

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

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

(xliii) 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;

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

(xlv) a BC early childhood tax benefit;

(xlv.1) a BC child opportunity benefit;

(xlvi) child support;

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

(xlviii) money or other value received, by will or as the result of intestacy, from the estate of a deceased person;

(xlix) gifts;

(l) education and training allowances, grants, bursaries or scholarships, other than student financial assistance;

(li) money withdrawn from a registered education savings plan;

(lii) compensation paid or payable under Division 5 [*Compensation in Relation to Death of Worker*] of Part 4 [*Compensation to Injured Workers and Their Dependants*] or section 225 [*compensation in relation to worker death before July 1, 1974*] of the *Workers Compensation Act* to a dependant, as defined in section 1 of that Act, who is a child, as defined in section 165 (1) of that Act;

(liii) 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;

(liv) 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;

(liv.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;

(liv.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;

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

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

(lvii) 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;

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

(lviv) 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;

(lx)money that is paid or payable under the Memorial Grant Program for First Responders established under the authority of the *Department of Public Safety and Emergency Preparedness Act* (Canada);

(lxi)money, or goods or services in kind, received or to be received by a participant in the Ministry of Social Development and Poverty Reduction's Work Experience Opportunities Grant program from a grant under the program;

(lxii)a rebate of all or part of a premium paid to the Insurance Corporation of British Columbia under the *Insurance (Vehicle) Act* and the plan operated under that Act;

(lxiii)an amount that is paid or payable, as a single payment or series of payments, as follows:

(A)the amount is paid or payable by a person who is or was a landlord, owner or manager, or a person who holds or held a similar position, in relation to leased, rented or licensed residential premises, whether or not the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act* applies to that premises;

(B)the amount is paid or payable to a person who is or was a tenant, lessee, licensee or occupant, or a person who has or had a similar right or permission to use the premises for residential purposes;

(C)the amount is paid or payable as full or partial compensation for loss of the residential use of the premises, including for eviction, relocation, demolition, temporary displacement during repair, renovation or redevelopment, or as an inducement to cease or suspend residential use;

(D)the amount is paid or payable under an enactment, a policy or a contract, or voluntarily or at the discretion of the person referred to in clause (A);

(lxiv)money that is paid or is payable to or for a person from a settlement under the Williams Treaties Settlement Agreement signed August 22, 2018;

(lxv)money that is paid or is payable to or for a person from a settlement under the Missanabie Cree First Nation Treaty Land Entitlement Settlement Agreement signed April 24, 2020;

(lxvi)money that is paid or is payable to or for a person from a settlement under the Peepeekisis Cree Nation File Hills Colony Specific Claim Settlement Agreement signed March 23, 2021;

(lxvii)money that is paid or is payable to or for a person from a settlement under an agreement to settle claims relating to the transfer of the Seabird Island Indian Reserve in 1959 by the Government of Canada to the Seabird Island Band and the distribution of shared trust funds on a per capita basis,

(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,

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

(d)all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 3, 7 and 8.

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.

Annual exemption — qualifying income

3 (1) In this section:

"base amount" means

- (a) \$1 250, in the case of a family unit that includes only one recipient,

...

"initial qualifying month", in respect of a family unit and a calendar year, means the calendar month specified for the family unit under subsection (5);

"qualifying income" means

- (a) earned income, except the deductions permitted under section 2, and...

"qualifying month", in respect of a family unit and a calendar year, means

- (a) the initial qualifying month for the family unit in the calendar year, and
- (b) any subsequent calendar month in the calendar year that is a calendar month for which the family unit is eligible to receive disability assistance under the Act;

...

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
Connie Simonsen

Signature of Chair

Date (Year/Month/Day)
2022/09/23

Print Name
Kulwant Bal

Signature of Member

Date (Year/Month/Day)
2022/09/23

Print Name
Neena Keram

Signature of Member

Date (Year/Month/Day)
2022/09/23