

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision (the decision) dated 11 August 2023 which denied income assistance because the appellant has net income that exceeds the ministry's monthly rate of assistance.

The ministry held that OAS/GIS and CPP income received is considered unearned income as set out in Section 1(1) of the Employment and Assistance Regulation (Regulation) and is not exempt when deciding eligibility for income assistance. Therefore, the appellant is not eligible for income assistance in accordance with Section 10(2) of the Regulation. As a result of the decision, the appellant was no longer eligible to access medical coverage through the ministry.

Part D – Relevant Legislation

Employment and Assistance Act section 1, 2 and 4
Employment and Assistance Regulation section 1, 10, 28, and 66.

Schedule A section 1, 2, and 4
Schedule B section 1, 6, 7 and 8

The full text of these sections of legislation is set out in the schedule of legislation after this decision.

Part E – Summary of Facts

A telephone hearing was held on September 15, 2023.

Evidence before the Ministry at Reconsideration

The appellant is a sole recipient of income assistance with one dependent grandchild.

The ministry received information from an electronic data match with Service Canada indicating that the appellant was in receipt of Old Age Security (OAS) and Guaranteed Income Supplement (GIS), as well as Canada Pension Plan (CPP) income.

The documentation also included;

- a monthly income assistance report completed by the appellant,
- personal chequing account details for the appellant,
- a statement of payment from the province, and
- a payment statement from the Ministry of Children and Family Development (MCFD).

In addition to the income information, the ministry also received the appellant's Request for Reconsideration, which included a note from a nurse practitioner, and a single page hand written self-report from the appellant.

New Evidence Provided on Appeal

In the notice of appeal, the appellant stated that she was receiving less money for GIS.

At hearing the appellant and her daughter, acting as her representative recounted the appellant's challenges with medical costs and provided a detailed background on her family dynamic. The ministry explained the findings of the reconsideration decision and the review process.

The panel finds that much of the oral testimony of the appellant and the ministry summarized evidence already before the ministry at reconsideration and is information in support of the appellant's appeal.

However, where the testimony provided further detail, the panel finds that the testimony was reasonably required for a full and fair disclosure of all matters related to the decision under appeal. Accordingly, the panel admits all the new information as evidence pursuant to section 22(4) of the *Employment and Assistance Act*.

Summary of Relevant Evidence

The ministry had received information from an electronic data match with Service Canada indicating that, as of April 2023, the appellant was in receipt of Old Age Security (OAS) and Guaranteed Income Supplement (GIS), as well as Canada Pension Plan (CPP) income.

The ministry determined that the appellant was receiving \$1714.10 combined between OAS and GIS, as well as \$240.86 from CPP, for a combined total of \$1954.96 monthly.

With the request for reconsideration, the appellant included a one-page handwritten submission which explained that she still needs medical care for herself and her grandson. She noted that she is now 65 years old and needs to get x-rays and may also need a new hip.

The appellant advised that her grandson visits the hospital at least 4 times per year and has special needs. She noted that she still needs dental and prescription coverage. The appellant wrote that her grandson is totally dependent on her, and he cannot sit up by himself and cannot see as she does.

The appellant stated that she is only asking for reconsideration of the decision to deny her medical coverage.

The appellant submitted a note from a nurse practitioner (dated July 19, 2023) supporting the appellant's need for an extension of health care benefits that she was receiving before she turned 65.

This note advises that the appellant has medical issues relating to osteoarthritis in both knees and her left hip, both shoulders and her left wrist. This note further explains that the appellant has been caring for her grandson, who has cerebral palsy, and her grandson requires care from a specialist 4-6 times a year.

The information received from Service Canada had indicated that the appellant was receiving a combined total of \$1714.10 from OAS and GIS. A review of a more recent data match with Service Canada, dated 1 August 2023, indicates that the rate has been adjusted and the appellant is now receiving \$698.60 from OAS and \$916.45 from GIS for a total of \$1615.05, as well as \$240.86 from CPP. As such, the ministry calculates the appellant's total net income from OAS, GIS and CPP to be \$1855.91 (\$1615.05 + \$240.86).

The ministry provided a rate of support allowance under Schedule A, Section 2 of the EA Regulation updated as of August 1, 2023. As such, the appellant's total rate of income assistance under Schedule A was \$1580 prior to August 1, 2023, and is \$1705 after August 1, 2023.

New evidence

In the notice of appeal, the appellant stated that she was receiving less money for GIS.

At the hearing, the appellant summarised the information previously provided and provided further testimony on her main concerns regarding now not having medical coverage for herself and her special needs grandson.

The appellant testified that she had spoken to someone at the ministry who advised that if she was receiving at least a dollar from income assistance, even though she is 65 years old, then she was eligible for medical coverage for herself. She wished to query this.

In explanation of her comment in the notice of appeal the appellant stated she had been in direct contact with Revenue Canada. The appellant reported receiving \$1453.55 for OAS and GIS, and a further amount for CPP totaling \$1855.91, which she believes is less than the ministry reported amount of \$1954.96. She now understands that the amounts that had been shared and discussed in the reconsideration report were before taxes and she believed she was getting a lesser amount. She now understands this is after tax amounts.

In response to a question from the ministry, the appellant agreed that her income exceeds the ministry's rate of assistance.

The ministry commented that they are unsure why a front counter agent provided information about medical coverage, and this may have been incorrect as when someone exceeds the amount of income assistance then they do not qualify for the medical services only provision.

The appellant provided some background as to her immediate family situation. She is currently the caregiver for several other grandchildren and receives MCFD funding and medical support for some children but does not receive medical support for her special needs grandson. At present the family is going through some change with children aging out of care.

The appellant confirmed she is not designated as a person with disabilities. She is currently receiving a child disability benefit.

The ministry at hearing stated that the appellant has now agreed that her income is greater than the amount of income assistance and explained that the appellant can apply for coverage under the provincial Medical Services Plan (MSP) and also, as explained in the reconsideration decision, she may wish to apply for the BC Healthy Kids program. This program provides coverage for basic dental treatment, optical care and hearing assistance to children in low-income families who are not in receipt of income assistance, disability assistance or hardship assistance.

The ministry explained that eligibility for this program is based on eligibility for MSP Supplementary Benefits through the Ministry of Health.

The appellant's representative provided some commentary on her intent to assist the appellant in completing the online application for MSP and the Healthy kids program.

As stated above, the panel admits this new 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 the reasonableness of the ministry's decision that the appellant is receiving excess unearned income, which makes the appellant ineligible for continued income assistance. In particular, was the ministry's decision that the appellant's OAS, GIS and CPP income exceeded the ministry's rate of assistance as set out in Schedule A of the Regulation, such that she is not eligible for income assistance in accordance with Section 10(2) of the Regulation, or any continuation of medical services, supported by the evidence or a reasonable interpretation of the legislation in the circumstances of the appellant?

The full text of the sections of legislation is set out in the appendix after this decision.

Appellant Position

The appellant argues that she had spoken to someone at the ministry who advised that if she was receiving at least a dollar from income assistance, even though she is 65 years old, then she was eligible for medical coverage for herself.

The appellant stated she had been in direct contact with Revenue Canada, that she is receiving a total amount for OAS, GIS and CPP of \$1855.91, which she believes is less than the ministry reported amount of \$1954.96.

Although this amount may be higher than the amount of income assistance, she seeks medical coverage for herself and her dependent grandson, who has special needs.

Ministry Position

The ministry argues that the OAS/GIS and CPP income the appellant receives is considered unearned income and is not exempt from income assistance.

Based on information received from Service Canada the ministry calculates the appellant's total net income from OAS, GIS and CPP to be \$1855.91, and the appellant's total rate of income assistance is \$1705 as of August 1, 2023.

As the ministry finds the net income of \$1855.91 exceeds the ministry's rate of assistance as set out in Schedule A of the Regulation, the appellant is not eligible for income assistance in accordance with Section 10(2) of the Regulation.

Panel Decision

Income

The legislation for the definition of income is contained in the Regulation, section 1 that states "unearned income" means any income that is not earned income, and includes, without limitation, money or value received from a list of sources including:

- (f) any type or class of Canada Pension Plan benefits;
- (u) Federal Old Age Security and Guaranteed Income Supplement payments;

The panel finds the appellant's OAS, GIS and CPP payments to be unearned income. The ministry was therefore reasonable when it determined the OAS/GIS and CPP income the appellant receives is considered unearned income as set out in Section 1(1) of the Regulation.

Section 10(2) of the Regulation states 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 the family unit.

The panel reviewed Schedule A of the Regulation to determine the amount of income assistance payable in the circumstances of the appellant. Sections 2 and 4 specify the maximum rate of support and shelter permitted for the size of the appellant's family unit. As of August 1, 2023, for a sole recipient over 65 years of age with one dependent, the rate of support is \$1010, and the rate of shelter is \$695 for a total of \$1705. The panel notes both the ministry and appellant agreed with the amount of income assistance.

Schedule B of the Regulation sections 1, 6, 7 and 8 list the deductions and exemptions from unearned income that are allowed for the purposes of calculating net income. Under the deduction and exemption rules in section 1(d), all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 7 and 8.

Section 1 of Schedule B list exemptions and the panel notes that money received from CPP benefits is not listed as income that may be exempted unless it is for orphan's benefits or a disabled contributor's child's benefit paid or payable under the CPP. As the panel sees no evidence to support the CPP payment is for orphan's benefits or a disabled contributor's child's benefit, the panel finds this section does not apply in the circumstances of the appellant.

Section 6 of Schedule B states the only deductions permitted are any income tax deducted at source from employment and insurance benefits and essential operating costs of renting self-contained suites. The panel has not been presented with any evidence to support a deduction from the appellant's income in these circumstances and finds section 6 does not apply in the circumstances of the appellant.

Section 7 of Schedule B lists a number of items that can be deducted from unearned income and includes the following;

- (a) the portion of interest from a mortgage on;
- (b) \$50 of each monthly Veterans Affairs Canada benefits;
- (c) a criminal injury compensation award or other award;
- (d) a payment made from a trust;
- (e) the portion of Canada Pension Plan Benefits that is calculated by a formula.....;
- (f) a tax refund;
- (g) a benefit paid under section 22, 23 or 23.2 of the *Employment Insurance Act* (Canada) to any person in the family unit.

The panel notes the ministry calculates any portion of CPP benefit automatically as part of the data match with Service Canada. Based on the evidence the panel finds the exemptions in section 7 do not apply in the circumstances of the appellant.

Section 8 of Schedule B relates to a Minister's discretion to exempt education related unearned income. The panel finds that the OAS, GIS and CPP income are not education related income, and an exemption is therefore not available under this section of the legislation.

The panel finds the ministry was therefore reasonable when it determined the OAS/GIS and CPP income the appellant receives is not exempt or deductible when calculating net income.

The panel noted a recent screen capture data match with Service Canada indicating rates as of August 1, 2023, showing the appellant is receiving \$698.60 from OAS and \$916.45 from GIS for a total of \$1615.05. The ministry reports the appellant also receiving \$240.86 from CPP for a total of \$1855.91. The panel noted personal chequing account information for the appellant dated May 2023 showing a total for OAS, GIS and CPP of \$1759.46, which has reportedly now been adjusted. The appellant reported receiving a total amount of \$1855.91, which she initially believed is less than the ministry reported amount of \$1954.96. The panel notes this is the figure the ministry had initially provided in the background section of the reconsideration decision.

The panel notes no disagreement between the parties on the amount of money the appellant is now receiving as income, and therefore finds the appellant's current net income to be \$1855.91.

With regard to the calculation required under section 10(2) of the Regulation the panel finds the net income of the family unit determined under Schedule B of \$1855.91, exceeds the amount of income assistance determined under Schedule A of \$1705.

The ministry was therefore reasonable in its finding that as the appellant's net income exceeds the ministry's rate of assistance the appellant is not eligible for income assistance in accordance with Section 10(2) of the Regulation.

Continuation of Medical Services

The panel notes the appellant's testimony that she had spoken to someone at the ministry who advised that if she was receiving at least a dollar from income assistance, even though she is 65 years old, then she was eligible for medical coverage for herself. Also, the ministry commented that this may have been incorrect as when someone exceeds the amount of income assistance then they do not qualify for the medical services only provision.

Although this query was not addressed by the ministry in the reconsideration decision, the panel notes the request was made by the appellant, who stated she is only asking for reconsideration of the decision to deny her medical coverage. She explained that she still needs medical (services) for herself and her grandson, and that she still needs dental coverage and prescription coverage.

The panel finds that the exclusion of ministry comment in the decision, supported by ministry comments at appeal are equal to a finding of ineligibility by the ministry for continuation of medical services.

The legislation that addresses continued medical services is section 66 of the Regulation. The provisions in sections 66.3 and 66.4 allow for the continuation of medical services only and a transition of medical services to an appellant who is a continued person who ceases to be eligible for income assistance.

In the case of section 66.3 the continued person must also be a "qualifying person", defined in section 66.1 as a person who,

(a) has persistent multiple barriers to employment, or

(b) is a recipient of income assistance who is described in section 8 (2) (b) [*people in special care*] of Schedule A.

In the case of section 66.4 the person is a continued person if the family unit, while in receipt of income assistance,

- (a) ceased to be eligible for income assistance as a result of employment income, and
- (b) included on the date the family unit ceased to be eligible for income assistance
 - (i) a dependent child, or
 - (ii) a person providing care to a supported child.

The panel finds no evidence to suggest the appellant has persistent multiple barriers to employment or is a person in special care, described in section 8 (2) (b) of Schedule A. The appellant therefore does not meet the requirements of section 66.3 of the legislation for access to medical services only status.

The panel has earlier found the appellant's income to be unearned income from the receipt of OAS, GIS and CPP, which is not employment income. The appellant does not therefore meet the requirements of section 66.4 of the legislation for transitional health services.

The ministry was therefore reasonable in finding the appellant is not eligible for any continuation of medical services under section 66 of the Regulation.

The panel notes the information provided by the ministry to the appellant regarding the ability to apply from MSP benefits and the BC Healthy Kids program and supports the appellant pursuing these options.

Summary

The panel has found the appellant is receiving unearned income, that is not exempted or deductible under the legislation, and that as the net income calculated under Schedule B exceeds the amount of income assistance calculated under Schedule A the appellant is not eligible for income assistance. Further the appellant does not qualify under section 66 of the legislation for any continuation or transition of health services.

Conclusion

Based on all available evidence the panel finds that the ministry's reconsideration decision to be supported by the evidence and was a reasonable interpretation of the legislation in the circumstances of the appellant.

The ministry's reconsideration decision is confirmed. The appellant is not successful on appeal.

Appendix A

EMPLOYMENT AND ASSISTANCE REGULATION

Definitions

1 (1) In this regulation:

"**unearned income**" means any income that is not earned income, and includes, without limitation, money or value received from any of the following:

- (f) any type or class of Canada Pension Plan benefits;
- (u) Federal Old Age Security and Guaranteed Income Supplement payments;

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.

Amount of income assistance

28 Income 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.

Definitions

66.1 In this Division:

"continuation date",

- (a) in relation to a person who is a main continued person under section 66.3 (1) [*access to medical services only*] or 66.4 (1) [*access to transitional health services*] as a result of having been part of a family unit on the date the family unit ceased to be eligible for income assistance, means that date, and
- (b) in relation to a dependent continued person under section 66.3 (2) or 66.4 (2) of a main continued person, means the continuation date of the main continued person;

"continued person" means

- (a) a main continued person under section 66.3 (1) or 66.4 (1), or
- (b) a dependent continued person under section 66.3 (2) or 66.4 (2);

"qualifying person" means a person who

- (a) has persistent multiple barriers to employment, or
- (b) is a recipient of income assistance who is described in section 8 (2) (b) [*people in special care*] of Schedule A.

Access to medical services only

66.3 (1) Subject to subsection (4), a person is a main continued person if

- (a) the person was
 - (i) part of a family unit identified in subsection (3) on the date the family unit ceased to be eligible for income assistance, and

(ii) a qualifying person on that date,

Access to transitional health services

66.4 (1) Subject to subsection (4), a person is a main continued person if

(a) the person was, on or after September 1, 2015,

(i) part of a family unit identified in subsection (3) on the date the family unit ceased to be eligible for income assistance, and

(ii) a recipient of income assistance on the date referred to in subparagraph (i), and

(b) the person has not, since the date referred to in paragraph (a) (i), been part of a family unit in receipt of income assistance, hardship assistance or disability assistance.

(2) A person is a dependent continued person if

(a) the person was a dependent child of a main continued person under subsection (1) on the main continued person's continuation date, and

(b) the person is currently a dependent child of that main continued person.

(3) A family unit is identified for the purposes of subsection (1) (a) if the family unit, while in receipt of income assistance,

(a) ceased to be eligible for income assistance as a result of employment income, and

(b) included on the date the family unit ceased to be eligible for income assistance

(i) a dependent child, or

(ii) a person providing care to a supported child.

(4) Subject to subsection (1) (b), a person ceases to be a main continued person under subsection (1) one year after the first day of the calendar month immediately following the calendar month in which the person's continuation date occurred.

(5) Despite this Division, a person is not eligible, as a main continued person under subsection (1), to receive a health supplement under this Division for the calendar month in which the person's continuation date occurs.

(6) Despite this Division, a person is not eligible, as a dependent continued person under subsection (2) of a main continued person under subsection (1), to receive a health supplement under this Division for the calendar month in which the main continued person's continuation date occurs.

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.

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 of Support
6	Sole applicant/recipient and one or more dependent children	Applicant/recipient is 65 or more years of age	\$1010.00

(2) If the family unit includes one or more dependent children or deemed dependent children, the support allowance under subsection (1) for a calendar month is increased by an amount equal to

- (a) the total BC child adjustment amount for all dependent children and all deemed dependent children in the family unit, minus
- (b) the sum of

- (i) the family bonus, if any, paid to the family unit for the preceding month,
- (ii) the Canada child benefit, if any, paid to the family unit for the preceding month in respect of dependent children in the family unit, up to a maximum of the BC child adjustment amount in respect of those dependent children, and
- (iii) the total amount of the supplements, if any, provided to or for the family unit under section 61 [*supplement for delayed, suspended or cancelled family bonus*] or 61.1 [*supplement for delayed, suspended or cancelled Canada child benefit*] of this regulation for the current calendar month.

(2.1) If the amount calculated under subsection (2) is less than zero, it is deemed to be zero for the purposes of this section.

(3) In calculating the adjustment under subsection (2), an amount that, under the *Income Tax Act* (British Columbia) or the *Income Tax Act* (Canada), is deducted or set off from the family bonus or the Canada child benefit must be treated as if it were paid to a person in the family unit.

(4) The support allowance under subsection (1) for a calendar month is not increased under subsection (2) if a person in the family unit refuses to

- (a) apply for the family bonus or the Canada child benefit for the preceding calendar month, or
- (b) accept the family bonus or the Canada child benefit for the preceding calendar month

in respect of a dependent child in the family unit who is, or may be, a qualified dependant within the meaning of the *Income Tax Act* (Canada).

(5) If a family unit includes a person who

- (a) immediately before reaching 19 years of age was a dependent child in the family unit, and
- (b) reached that age while attending secondary school,

the person is deemed to be a dependent child, for the purposes of this section, until the earlier of

- (c) the end of the school year in which the person reaches the age of 19 years, and
- (d) the date the person stops attending secondary school.

(6) For the purposes of this section, if the family unit includes a deemed dependent child, the BC child adjustment amount applies in respect of the deemed dependent child as if the deemed dependent child was a dependent child.

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;

"**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 other than a family unit described in section 15.2 (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	\$695

People over 65 years of age

7 (1) For a family unit that includes a person who has reached 65 years of age and receives federal old age security payments and includes a dependant, the amount referred to in section 28 (a) [*amount of income assistance*] of this regulation is the sum of

(a) the support allowance calculated under section 2 and 3 of this Schedule for a family unit matching the applicant's or recipient's family unit, plus

(b) the maximum shelter allowance calculated under section 4 of this Schedule for a family unit matching the applicant's or recipient's family unit.

(2) Subsection (1) applies regardless of the family unit's actual shelter costs or whether the family unit is sharing residential accommodation or receiving room and board.

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:

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

(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 unearned income

6 The only deductions permitted from unearned income are the following:

(a) any income tax deducted at source from employment insurance benefits;

(b) essential operating costs of renting self-contained suites.

Exemptions — unearned income

7 (0.1) In this section:

(1) The following unearned income is exempt:

(e) the portion of Canada Pension Plan Benefits that is calculated by the formula $(A-B) \times C$, where

A = the gross monthly amount of Canada Pension Plan Benefits received by an applicant or recipient;

B = (i) in respect of a family unit comprised of a sole applicant or a sole recipient with no dependent children, 1/12 of the amount determined under section 118 (1) (c) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act, or

(ii) in respect of any other family unit, the amount under subparagraph (i), plus 1/12 of the amount resulting from the calculation under section 118 (1) (a) (ii) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act;

C = the sum of the percentages of taxable amounts set out under section 117 (2) (a) of the *Income Tax Act* (Canada) and section 4.1 (1) (a) of the *Income Tax Act*;

Minister's discretion to exempt education related unearned income

8 (1) In this section:

"day care costs" means the difference between a student's actual day care costs and the maximum amount of child care subsidy that is available under the *Child Care Subsidy Act* to a family unit matching the student's family unit;

"education costs", in relation to a student and a program of studies, means the costs, including the costs of tuition, student fees, books, equipment, supplies and transportation, that, in the opinion of the minister, are reasonably required for the student to participate in the program of studies.

"education related living costs", in relation to a student and a program of studies, means the costs, other than education costs, including the costs of food, shelter, clothing, utilities and other living expenses, that, in the opinion of the minister, are reasonably required for the student to participate in the program of studies.

(2) The minister may authorize an exemption for a student described in subsection (3) up to the sum of the student's education costs and day care costs, for a period of study, from the total amount of the following received by the student for the period of study:

- (a) a training allowance;
- (b) student financial assistance;
- (c) student grants, bursaries and scholarships;
- (d) disbursements from a registered education savings plan.

(3) An exemption under subsection (2) may be authorized in respect of a student who is

- (a) a dependent child enrolled as a student in either a funded or an unfunded program of studies,

- (b) an applicant or a recipient enrolled
 - (i) as a part-time student in an unfunded program of studies, or

(ii)with the prior approval of the minister, as a full-time student in an unfunded program of studies, or

(c)a person in a category listed in section 29 (4) [*consequences of failing to meet employment-related obligations*] of this regulation enrolled as a part-time student in a funded program of studies.

(4)The minister may authorize an exemption for a student who is a recipient enrolled as a part-time student in a funded program of studies up to the sum of the student's education costs and day care costs, for a period of study, from the total amount of the following received by the student for the period of study:

(a)a training allowance;

(b)student grants, bursaries and scholarships, except student grants, bursaries and scholarships provided under the *Canada Student Financial Assistance Act*;

(c)disbursements from a registered education savings plan.

(5)The minister may authorize an exemption for a student who is described in section 16 (1.1) [*effect of family unit including full-time student*] of this regulation up to the sum of the student's education costs, education related living costs and day care costs, for a period of study, from the total amount of the following received by the student for the period of study:

(a)a training allowance;

(b)student grants, bursaries and scholarships, except student grants, bursaries and scholarships provided under the *Canada Student Financial Assistance Act*;

(c)disbursements from a registered education savings plan.

APPEAL NUMBER 2023-0262

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

Don Stedeford

Signature of Chair

Date (Year/Month/Day)

2023/09/20

Print Name

Margarita Papenbrock

Signature of Member

Date (Year/Month/Day)

2023/09/20

Print Name

Bill Haire

Signature of Member

Date (Year/Month/Day)

2023/09/21