

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated August 25, 2023, which determined the appellant was not eligible for income assistance because she is a full-time student in a funded program of studies.

Part D – Relevant Legislation

Employment and Assistance Regulation (Regulation), sections 1 and 16

Canada Student Financial Assistance Act

Canada Student Financial Assistance Regulation

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

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

- The appellant is a sole recipient of income assistance.
- On June 22, 2023 she submitted her monthly report for August 2023 and reported that she was attending school online.
- On June 30, 2023 the ministry requested school documents from the appellant. She submitted a document from a college.
- On July 7, 2023 the ministry requested more information about student funding.
- On July 9, 2023 the appellant submitted a screenshot of a loan disbursement (dated May 30, 2023).
- On July 10, 2023 the ministry asked for additional information. The appellant replied that she was attending school full-time, five days a week. She added that the school received most of her student loans and grants, on May 30 and she received \$2,442, on June 4, 2023. The ministry determined the appellant was ineligible for income assistance because she was a student in a full-time funded program of studies.

Request for Reconsideration (August 5, 2023) - summary

The appellant states she did not receive \$12,039. She only received approximately \$2,242, which when split over six months is only approximately \$300 per month, which will not cover her rent let alone living expenses. Therefore, the appellant adds, it's unfair for the ministry to just cut her off because she didn't pick a school the ministry approved. She states the ministry is supposed to help people better themselves, not make them homeless - this defeats the whole purpose.

The appellant agrees she should have claimed the \$2,000 but with the stress of school and home life, she honestly forgot. However, she still thinks it's unfair to be totally cut off altogether. She adds she would drop out of school if it meant she wouldn't be homeless. The appellant is asking for a second chance and is asking the ministry to calculate her funding on a monthly basis to understand that it's not enough to live on.

Letter of Acceptance and Enrollment from the College (no date)

The letter states the appellant has met the requirements for the Addictions and Community Health Professional Diploma program, a full-time program, which includes five to seven weeks of practicum, following completion of program core course material. The letter also includes a contract dated April 17, 2023 with the following information:
Program Start Date - May 29, 2023

Program End Date – April 19, 2024
Program Length – 880 hours, 44 weeks
Delivery Mode – online
Total program fees - \$15,995

Monthly Report (signed June 22, 2023)

Appellant checked “yes” to the question “Are you attending/enrolled in school or training?”

Disbursement Details – from National Student Loan Service Canada

Disbursement Date - May 30, 2023
Total amount to appellant - \$2,442
Total amount to school - \$9,597
Canada Student Loan amount - \$9,870
British Columbia Student Loan amount - \$0
Total amount disbursed - \$12,039
Total Canada Student Grant Amount - \$2,169

Additional Information

Appellant

Notice of Appeal (September 5, 2023) - summary

The appellant states she is trying to better herself and questions how she is supposed to do this if she is homeless. She adds that it makes her feel like another statistic on a piece of paper. She apologizes for not claiming her funding and states if her assistance is approved she will pay it all back.

At the hearing, the appellant stated that she did not know she had to verify her schooling with the ministry, prior to attending. She added that although the program is funded, she is struggling with finances. In addition, the house she is living in is about to be torn down and she has to move. All of the above along with full days of studies has caused her a great deal of stress.

Ministry

At the hearing, the ministry relied on its record.

The panel determined the additional information to be argument.

Part F – Reasons for Panel Decision

The issue on appeal is whether the ministry's reconsideration decision was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, was the ministry reasonable to determine the appellant was not eligible for income assistance because she is a full-time student in a funded program of studies?

Appellant Position

The appellant argues that she didn't receive \$12,039. She only received approximately \$2,242, which when split over six months is only approximately \$300 per month, which will not cover her rent let alone living expenses.

The appellant also argues it is unfair for the ministry to just cut her off because she didn't pick a school the ministry approved. She adds that the ministry is supposed to help people better themselves, not make them homeless. She is trying to better herself and questions how she is supposed to do this if she is homeless.

Ministry Position

The ministry states as the appellant declared that she is attending school full-time and information from her college confirms her program is a full-time program (only offered with a full-time course load), the ministry is satisfied that the appellant is currently enrolled as a student in a full-time program of studies.

The ministry also states that information provided by the appellant confirms that she has received Canada Student loans and grants to attend her program.

Therefore, the ministry argues as the appellant is a full-time student in a funded program of studies she is not eligible for income assistance in accordance with section 16 of the Regulation. The period of ineligibility lasts from June 1, 2023 (first day of the month after classes start) and lasts until the last day of the month in which exams occur.

Panel Analysis

Section 1, Regulation – definitions of full-time student and funded program of studies

Section 1 of the Regulation states, "full-time student" has the same meaning as in the Canada Student Financial Assistant Regulations, which states a full-time student is someone who is enrolled in courses that constitute at least 60% of a course load - recognized by the designated educational institution as a full course load.

The panel notes ministry records show the appellant advised the ministry she was attending school full time, five days a week. As well, the panel notes the letter from the college confirms the appellant's program is full time. This is not in dispute.

Section 1 of the Regulation also states a funded program of studies means a program of studies for which funding, provided to students under the *Canada Student Financial Assistance Act*, may be provided to a student enrolled in it.

The panel notes, the disbursement details from National Student Loan Service Canada shows a Canada student loan amount of \$9,870 and a Canada Student Grant amount of \$2,169. Therefore, the panel finds funding was provided to the appellant under the *Canada Student Financial Assistance Act* and finds the ministry reasonably determined the appellant is in a funded program of studies as per section 1 of the Regulation.

Section 16, Regulation – full-time student effect on family

Section 16(1) of the Regulation states a family is not eligible for income assistance if a recipient is enrolled as a full-time student in a funded program of studies. Section 16(2) states the period extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams in the program of studies are held.

The panel notes the letter from the college shows a program start date of May 29, 2023 and a program end date of April 19, 2024.

The panel finds the appellant is presently a full-time student in a funded program of studies from May 29, 2023 until April 19, 2024. Therefore, the panel finds the ministry reasonably concluded that the appellant is not eligible for income assistance, from June 1, 2023 (the first day of the month following the month in which classes commence) until the last day of the month in which exams are held, as per section 16 of the Regulation.

The appellant argues that she is trying to better herself, is struggling with the amount of funding provided and didn't know she had to verify her schooling with the ministry, prior to attending.

The panel notes there is nothing in the monthly report indicating that an income assistance recipient who enrolls in full-time studies would become ineligible for income assistance unless they have obtained prior approval. However, although the panel acknowledges the appellant's difficult situation, the panel is bound by the legislation, as is the ministry.

Conclusion

In conclusion, the panel finds the ministry decision, which determined that the appellant is not eligible for income assistance because she is a full-time student in a funded program of studies, is reasonably supported by the evidence. The appellant is not successful on appeal.

Schedule of Legislation

Employment and Assistance Regulation

Part 1 — Interpretation

Definitions

1 (1) In this regulation:...

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

"funded program of studies" means a program of studies for which funding provided to students under the *Canada Student Financial Assistance Act* may be provided to a student enrolled in it;...

Effect of family unit including full-time student

16 (1) Subject to subsection (1.1), a family unit is not eligible for income assistance for the period described in subsection (2) if an applicant or a recipient is enrolled as a full-time student

(a) in a funded program of studies, or

(b) in an unfunded program of studies without the prior approval of the minister.

(1.1) Subsection (1) (a) does not apply to a family unit that includes a recipient who is enrolled in a funded program of studies with the prior approval of the minister under subsection (1.2) during the period described in subsection (2).

(1.2) For the purposes of subsection (1.1), the minister may approve a person to enroll in a funded program of studies if the person

(a) is a recipient of income assistance,

(b) is required to enroll in the program of studies as a condition of an employment plan, and

(c) was receiving income assistance, hardship assistance or disability assistance in each of the immediately preceding 3 calendar months, unless the minister is satisfied that exceptional circumstances exist.

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

(a) extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams in the relevant program of studies are held, and

(b) is not longer than 2 years.

Canada Student Financial Assistance Act

An Act respecting the making of loans and the provision of other forms of financial assistance to students...

Canada Student Financial Assistance Regulation

Interpretation

2 (1) In the Act and these Regulations,

full-time student means a person

- (a) who, during a confirmed period within a period of studies, is enrolled in courses that constitute at least 60 per cent of a course load recognized by the designated educational institution as constituting a full course load,
- (b) whose primary occupation during that confirmed period is the pursuit of studies in those courses, and
- (c) who meets the requirements of subsection 5(1) or 7(1) or section 33, as the case may be; (*étudiant à temps plein*)

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Part G – Order

The panel decision is: (Check one) Unanimous By Majority

The Panel Confirms the Ministry Decision Rescinds the Ministry Decision

If the ministry decision is rescinded, is the panel decision referred back to the Minister for a decision as to amount?

Yes No

Legislative Authority for the Decision:

Employment and Assistance Act

Section 24(1)(a) or Section 24(1)(b)

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

Part H – Signatures

Print Name

Connie Simonsen

Signature of Chair

Date (Year/Month/Day)

2023/09/26

Print Name

Rick Bizarro

Signature of Member

Date (Year/Month/Day)

2023/09/26

Print Name

Mary Chell

Signature of Member

Date (Year/Month/Day)

2023/09/26