

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated September 11, 2023, that determined the appellant is not eligible for September 2023 income assistance because the money the appellant received as an inheritance exceeds the ministry's rate of assistance for her family unit size.

Part D – Relevant Legislation

Employment and Assistance Regulation sections 1, 10, 28 and 33
Schedule A sections 1, 2 and 4
Schedule B sections 1, 6, and 7

These sections of the legislation can be found in Appendix A at the end of the decision.

Part E – Summary of Facts

From ministry files:

- The appellant is a single parent in receipt of income assistance and receives \$1550 per month for income assistance. This amount includes \$710 for a support allowance and \$840 for a shelter allowance.
- On July 5, 2023, the appellant submitted her monthly report (stub) declaring \$5000 received from an inheritance as well as Child Tax Benefits of \$2019.74, a Canada Dental Benefit of \$1950 and Good and Services Tax (GST) tax credit of \$1061.62.
- On August 8, 2023, the ministry advised the appellant that she is not eligible for income assistance for September because the inheritance she received is not exempt as income and exceeds the ministry rate of assistance for the appellant's family unit size.
- On August 22, 2023, the appellant submitted a Request for Reconsideration in which she stated:

"I would like a reconsideration because I called previously and spoke to a representative and was told my inheritance would be exempt up to \$8000. I also payed [sic] a debt off with the money I received, so now I don't have any to cover my rent. Also, I am now evacuated and feeling very stressed about the outcome of this. Please reconsider this."

In her July Report the appellant wrote "I received \$5000.00 inheritance money."

A bank stub shows that a cheque of \$5000 dated July 6, 2023 with the memo "inheritance money" was issued to the appellant.

New Evidence

In her Notice of Appeal (NOH) dated September 14, 2023, the appellant wrote, "I was given false information when I asked if inheritance would be exempt. If I had known it wouldn't of [sic] been I would of [sic] deposited the cheque."

At the hearing, the appellant clarified her statement in the NOH. The appellant had intended to write that, had she known the inheritance would not be considered exempt,

she would **not** have deposited the cheque. She would have asked her mother to hold off on issuing the cheque until the appellant was employed and no longer receiving income assistance from the ministry.

The appellant added that, in their reconsideration decision, the ministry had made a side note that she could apply to them for a crisis supplement for rent if needed. When the appellant made application for a crisis supplement for rent, her application was denied because she had not qualified to receive income assistance for September 2023 and thus was deemed ineligible to receive a crisis supplement for rent for that month.

The panel asked the ministry representative if there was any provision for a situation where the ministry may have made an error, for example, if the ministry worker the appellant spoke with by telephone had provided inaccurate information about inheritance income being considered exempt from deduction for a person who is a recipient of income assistance.

The ministry representative acknowledged that an error was possible although there was no information in the ministry's records to indicate that this occurred in the appellant's situation. If the ministry makes an error in this type of situation, their policy is to correct the mistake to ensure that the decision is in accordance with the Regulation. Under the Regulation, inheritance income is deducted from the appellant's rate of income assistance. If a ministry worker had provided the appellant with incorrect information, the appellant still would not be eligible for assistance for September 2023.

The panel also asked the ministry representative if it would have been permissible for the appellant to refrain from cashing her inheritance cheque until she was employed and no longer receiving income assistance from the ministry. The ministry representative explained that the ministry requires people who receive income assistance to pursue and report all possible revenue avenues each month and that this requirement is actively enforced by the ministry.

On a separate topic, the ministry representative explained that, while the appellant did not qualify for a crisis supplement for rent when she was displaced from her home because she did not receive income assistance for a month, the appellant still could make application for a crisis supplement for the following month.

Admissibility of New Evidence

Neither party objected to any new evidence submitted on appeal and at the hearing. The panel finds that the new information provided by the appellant and the ministry at the hearing is reasonably required for a full and fair disclosure of all matters related to the decision under appeal, as it contributes to the panel's understanding of the circumstances surrounding the appellant's September 2023 eligibility for income assistance. The panel therefore admits this 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 whether the ministry reconsideration decision that determined the appellant is not eligible for September 2023 income assistance because the money the appellant received as an inheritance exceeds the ministry's rate of assistance for her family unit size is reasonably supported by the evidence or a reasonable application of the legislation.

Appellant's Position

The appellant argued that she was provided with incorrect information when she telephoned the ministry and asked if her \$5,000 inheritance would be exempt from deduction for her September income assistance. The appellant explained she had been told that inheritance income would be exempt up to \$8,000 and noted that she later discovered this may be true for people with disabilities who are receiving income assistance from the ministry. The appellant concluded that the person she spoke with at the ministry may have made an error in thinking the appellant was a person with disabilities receiving income assistance. The appellant proceeded to cash the \$5,000 cheque for her inheritance because of this erroneous information. The appellant expressed hope that, due to the ministry's error, her \$5,000 inheritance could be considered exempt from deduction.

The appellant expressed her frustration that because of receiving incorrect information from the ministry, she had used her \$5,000 inheritance to pay off a credit card bill and when the ministry ruled that the inheritance income was unearned income, she would not be able to pay her rent. The appellant's stress over this situation was made worse when she was evacuated from her home due to a large wildfire.

Ministry's Position

At the hearing the ministry relied on its reconsideration decision and restated that, under the Regulation section 1(1)(l), inheritance income is considered unearned income. The appellant's inheritance of \$5,000 exceeds the ministry's monthly rate of assistance of \$1,550 for a family unit of the appellant's size. The ministry representative explained that they must follow the Regulation, and as a result, the appellant is not eligible for income assistance for September 2023.

Panel Decision

The issue in this appeal is whether the ministry reconsideration decision that determined the appellant is not eligible for September 2023 income assistance because the money the appellant received as an inheritance exceeds the ministry's rate of assistance for her

family unit size is reasonably supported by the evidence or a reasonable application of the legislation.

The Employment and Assistance Regulation (Regulation) defines “unearned income” as income that is not earned income, and includes without limitation, money or value received from a *trust or inheritance*.

Section 10(2) of the Regulation states that applicants are not eligible for assistance if their net income determined under Schedule B equals or exceeds the amount of income assistance determined under Schedule A for the applicant’s family unit size.

Section 28 of the Regulation outlines that income calculated under Schedule B of the Regulation must be deducted from income assistance calculated under Schedule A of the Regulation. Schedule B states that all earned income must be deducted from income assistance except that which meets the exemption criteria.

Section 33 of the Regulation states that income must be reported by the 5th of the month after the month it is received. The ministry uses this information to calculate net income and eligibility for the next month’s income assistance. For example, income received in July must be reported by August 5th and it affects the September assistance.

Schedule A of the Regulation sections 2 and 4 specifies the maximum allowable rate of support and shelter for the size of the family unit. For the appellant’s family unit, this amount is \$1550 which includes \$710 for a support allowance and \$840 for a shelter allowance.

Schedule B of the Regulation explains how net income is calculated. Sections 6 and 7 list the deductions and exemptions from unearned income that are permitted for the purposes of calculating net income. Money received from an inheritance is not listed as an income that may be exempted. The ministry acknowledges the appellant received Child Tax Benefits, GST, and the Canada Dental Benefit in July. These benefits are exempt as income and are not included in the calculation of the appellant’s rate of assistance.

The panel finds the ministry reasonably determined that the appellant’s inheritance income is unearned income as set out in section 1(1)(l) of the Regulation, and that it is not among the exempted types of income listed in Schedule B.

As a result, the panel finds the ministry reasonably determined that, under section 10(2) of the Regulation, because her net income is more than her rate of income assistance, the appellant is not eligible for income assistance for September 2023.

The panel is empathetic to the appellant's situation in having been evacuated from her home due to wildlife fires, but the legislation does not provide the ministry with discretion.

Conclusion

The panel finds that the ministry's decision that the appellant is not eligible for income assistance in September 2023 is reasonably supported by the evidence and a reasonable application of the Regulation in the circumstances of the appellant. The ministry's decision is confirmed, and the appellant is not successful in her 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:

- (a) money, annuities, stocks, bonds, shares, and interest bearing accounts or properties;
- (b) cooperative associations as defined in the Real Estate Development Marketing Act;
- (c) war disability pensions, military pensions and war veterans' allowances;
- (d) insurance benefits, except insurance paid as compensation for a destroyed asset;
- (e) superannuation benefits;
- (f) any type or class of Canada Pension Plan benefits;
- (g) employment insurance;
- (h) union or lodge benefits;
- (i) financial assistance provided under the Employment and Assistance for Persons with Disabilities Act or provided by another province or jurisdiction;
- (j) workers' compensation benefits and disability payments or pensions;
- (k) surviving spouses' or orphans' allowances;
- (l) a trust or inheritance;

- (m) rental of tools, vehicles or equipment;
- (n) rental of land, self-contained suites or other property except the place of residence of an applicant or recipient;
- (o) interest earned on a mortgage or agreement for sale;
- (p) maintenance under a court order, a separation agreement or other agreement;
- (q) education or training allowances, grants, loans, bursaries or scholarships;
- (r) a lottery or a game of chance;
- (s) awards of compensation under the Criminal Injury Compensation Act or awards of benefits under the Crime Victim Assistance Act, other than an award paid for repair or replacement of damaged or destroyed property;
- (t) any other financial awards or compensation;
- (u) Federal Old Age Security and Guaranteed Income Supplement payments;
- (v) financial contributions made by a sponsor pursuant to an undertaking given for the purposes of the Immigration and Refugee Protection Act (Canada) or the Immigration Act (Canada);
- (w) tax refunds;
- (x) gifts of money, annuities, stocks, bonds, shares, and interest bearing accounts or properties;
- (y) gifts in the form of payment by another person of a debt or obligation;

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.

Monthly reporting requirement

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

- (a) the report must be submitted by the 5th day of each calendar month, and
- (b) the information required is all of the following, as requested in the monthly report form prescribed under the Forms Regulation, B.C. Reg. 95/2012:
 - (i) whether the family unit requires further assistance;
 - (ii) changes in the family unit's assets;
 - (iii) all income received by the family unit and the source of that income;
 - (iv) the employment and educational circumstances of recipients in the family unit;
 - (v) changes in family unit membership or the marital status of a recipient;
 - (vi) any warrants as described in section 15.2 (1) of the Act.

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 54 [application by parent who is dependent youth] of this regulation,
 - a. the family unit is found eligible for income assistance, and
 - b. 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	Family unit composition	Age or status of applicant or recipient	Amount of support
1	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age	\$560.00

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2	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment	\$610.00
3	Sole applicant/recipient and no dependent children	Applicant/recipient is 65 or more years of age	\$860.00
4	Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age	\$710.00
5	Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment	\$760.00
6	Sole applicant/recipient and one or more dependent children	Applicant/recipient is 65 or more years of age	\$1 010.00
7	Two applicants/recipients and no dependent children	Both applicants/recipients are under 65 years of age	\$955.00
8	Two applicants/recipients and no dependent children	One applicant/recipient is a person who has persistent multiple barriers to employment and the other is not but both applicants/recipients are under 65 years of age	\$1 005.00
9	Two applicants/recipients and no dependent children	Both applicants/recipients are under 65 years of age and both are persons with persistent multiple barriers to employment	\$1 055.00
10	Two applicants/recipients and no dependent children	One applicant/recipient is under 65 years of age and the other is 65 or more years of age	\$1 255.00
11	Two applicants/recipients and no dependent children	Both applicants/recipients are 65 or more years of age	\$1 505.00
12	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age	\$1 055.00
13	Two applicants/recipients and one or more dependent children	One applicant/recipient is a person who has persistent multiple barriers to employment and the other is not but both applicants/recipients are under 65 years of age	\$1 105.00

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14	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age and both are persons who have persistent multiple barriers to employment	\$1 155.00
15	Two applicants/recipients and one or more dependent children	One applicant/recipient is under 65 years of age and the other is 65 or more years of age	\$1 355.00
16	Two applicants/recipients and one or more dependent children	Both applicants/recipients are 65 or more years of age	\$1 605.00
17	Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age and a warrant has been issued for the applicant/recipient	\$610.00
18	Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment, and a warrant has been issued for the applicant/recipient	\$660.00
19	Sole applicant/recipient and one or more dependent children	Applicant/recipient is 65 or more years of age and a warrant has been issued for the applicant/recipient	\$910.00
20	Two applicants/recipients and no dependent children	Both applicants/recipients are under 65 years of age and a warrant has been issued for one	\$610.00
21	Two applicants/recipients and no dependent children	One applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment, and a warrant has been issued for that applicant/recipient, and the other is under 65 years of age	\$610.00
22	Two applicants/recipients and no dependent children	One applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment, and the other is under 65 years of age and a warrant has been issued for that applicant/recipient.	\$660.00
23	Two applicants/recipients and no dependent children	One applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment and a warrant has been issued for the applicant/recipient, and the other is 65 years of age or older	\$910.00

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24	Two applicants/recipients and no dependent children	One applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment, and the other is 65 years of age or older and a warrant has been issued for that applicant/recipient	\$660.00
25	Two applicants/recipients and no dependent children	One applicant/recipient is under 65 years of age and a warrant has been issued for that applicant/recipient, and the other is 65 years of age or older	\$910.00
26	Two applicants/recipients and no dependent children	One applicant/recipient is under 65 years of age, and the other is 65 years of age or older and a warrant has been issued for that applicant/recipient	\$610.00
27	Two applicants/recipients and no dependent children	Both applicants/recipients are 65 years of age or older, and a warrant has been issued for one	\$910.00
28	Two applicants/recipients and no dependent children	Both applicants/recipients are under 65 years of age and both have persistent multiple barriers to employment, and a warrant has been issued for one	\$660.00
29	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age, and a warrant has been issued for one	\$955.00
30	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age, and a warrant has been issued for both	\$905.00
31	Two applicants/recipients and one or more dependent children	One applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment, and the other is under 65 years of age, and a warrant has been issued for one	\$1 005.00
32	Two applicants/recipients and one or more dependent children	One applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment, and the other is under 65 years of age, and a warrant has been issued for both	\$955.00
33	Two applicants/recipients and one or more dependent children	One applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment, and the other is 65 years of age or older, and a warrant has been issued for one	\$1 255.00

34	Two applicants/recipients and one or more dependent children	One applicant/recipient is under 65 years of age and is a person who has persistent multiple barriers to employment, and the other is 65 years of age or older, and a warrant has been issued for both	\$1 205.00
35	Two applicants/recipients and one or more dependent children	One applicant/recipient is under 65 years of age and the other is 65 years of age or older, and a warrant has been issued for one	\$1 255.00
36	Two applicants/recipients and one or more dependent children	One applicant/recipient is under 65 years of age and the other is 65 years of age or older, and a warrant has been issued for both	\$1 205.00
37	Two applicants/recipients and one or more dependent children	Both applicants/recipients are 65 years of age or older, and a warrant has been issued for one	\$1 505.00
38	Two applicants/recipients and one or more dependent children	Both applicants/recipients are 65 years of age or older and a warrant has been issued for both	\$1 455.00
39	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age and both have persistent multiple barriers to employment, and a warrant has been issued for one	\$1 055.00
40	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age and both have persistent multiple barriers to employment, and a warrant has been issued for both	\$1 005.00

(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 calendar 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 section (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.[B.C. Reg. 34/2017]

(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	Family Unit Size	Minimum	Maximum
1	1 person	\$75	\$500
2	2 persons	\$150	\$695
3	3 persons	\$200	\$790
4	4 persons	\$225	\$840
5	5 persons	\$250	\$890
6	6 persons	\$275	\$940
7	7 persons	\$300	\$990
8	8 persons	\$325	\$1 040
9	9 persons	\$350	\$1 090
10	9 persons	\$375	\$1 140

(2.1) The monthly shelter allowance for 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	Family Unit Composition	Minimum	Maximum
1	Two applicants/recipients, no dependent children and a warrant has been issued for one	\$75	\$375
2	Family with dependent children, family unit size = 2 persons	\$150	\$570
3	Family with dependent children, family unit size = 3 persons	\$200	\$665
4	Family with dependent children, family unit size = 4 persons	\$225	\$715
5	Family with dependent children, family unit size = 5 persons	\$250	\$765
6	Family with dependent children, family unit size = 6 persons	\$275	\$815
7	Family with dependent children, family unit size = 7 persons	\$300	\$865
8	Family with dependent children, family unit size = 8 persons	\$325	\$915
9	Family with dependent children, family unit size = 9 persons	\$350	\$965
10	Family with dependent children, family unit size = 10 persons	\$375	\$1 015

3. For a family unit of more than 10 persons, the maximum monthly shelter allowance is calculated by adding an extra \$35 for each person by which the family unit size exceeds 10.
4. Repealed. [B.C. Reg. 62/2010, s. (a).]
5. Despite subsection (2) (a) or (2.1) (a), if the actual shelter costs of a recipient increase as a result of the recipient remortgaging the recipient's place of residence, the amount of the mortgage payments is deemed, for the term of the new mortgage, to equal the amount before the remortgaging unless
 - a. the remortgaging was necessary because of the expiry of the mortgage term, and
 - b. the amount borrowed under the mortgage has not increased.
6. Repealed.

Schedule B

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:

"disability-related cost" means a disability-related cost referred to in paragraph (a), (b) or (c) of the definition of disability-related cost in section 13 (1) [assets held in trust for person receiving special care] of this regulation;

"disability-related cost to promote independence" means a disability-related cost referred to in paragraph (d) of the definition of disability-related cost in section 13 (1) of this regulation;

"intended registered disability savings plan or trust", in relation to a person referred to in section 13.1 (2) [temporary exemption of assets for person applying for disability designation or receiving special care] of this regulation, means an asset, received by the person, to which the exemption under that section applies;

"structured settlement annuity payment" means a payment referred to in subsection

(2) (b) (iii) made under the annuity contract referred to in that subsection.

1. The following unearned income is exempt:

- a. the portion of interest from a mortgage on, or agreement for sale of, the family unit's previous place of residence if the interest is required for the amount owing on the purchase or rental of the family unit's current place of residence;
- b. \$50 of each monthly Federal Department of Veterans Affairs benefits paid to any person in the family unit;
- c. a criminal injury compensation award or other award, except the amount that would cause the family unit's assets to exceed, at the time the award is received, the limit applicable under section 11 [asset limits] of this regulation;
- d. a payment made from a trust to or on behalf of a person referred to in section 13 (2) [assets held in trust for person receiving special care] of this regulation if the payment is applied exclusively to or used exclusively for
 - i. disability-related costs,
 - ii. the acquisition of a family unit's place of residence,
 - iii. a registered education savings plan, or
 - iv. a registered disability savings plan;

(d.1) subject to subsection (2), a structured settlement annuity payment made to a person referred to in section 13 (2) (a) of this regulation if the payment is applied exclusively to or used exclusively for an item referred to in subparagraph (I), (ii), (iii) or (iv) of paragraph (d) of this subsection;

(d.2) money expended by a person referred to in section 13.1 (2) [temporary exemption of assets for person applying for disability designation or receiving special care] of this regulation from an intended registered disability savings

plan or trust if the money is applied exclusively to or used exclusively for disability-related costs;

(d.3) any of the following if applied exclusively to or used exclusively for disability-related costs to promote independence:

- i. a payment made from a trust to or on behalf of a person referred to in section 13 (2) of this regulation;
 - ii. a structured settlement annuity payment that, subject to subsection (2), is made to a person referred to in section 13 (2) (a) of this regulation;
 - iii. money expended by a person referred to in section 13.1 (2) of this regulation from an intended registered disability savings plan or trust;
- 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;
- 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.
2. Subsection (1) (d.1) and (d.3) (ii) applies in respect of a person only if
- a. the person has entered into a settlement agreement with the defendant in relation to a claim for damages in respect of personal injury or death, and
 - b. the settlement agreement requires the defendant to
 - i. make periodic payments to the person for a fixed term or the life of the person,
 - ii. purchase a single premium annuity contract that
 - A. is not assignable, commutable or transferable, and
 - B. is designed to produce payments equal to the amounts, and at the times, specified in the settlement agreement,
 - iii. make an irrevocable direction to the issuer of the annuity contract to make all payments under that annuity contract directly to the person, and

iv. remain liable to make the payments required by the settlement agreement.

(2.1) Repealed. [B.C. Reg. 204/2015, App. 1, s. 4 (b).]

3. Repealed. [B.C. Reg. 197/2012, Sch. 1, s. 24 (f).]

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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

Melissa McLean

Signature of Chair

Date (Year/Month/Day)

2023/10/05

Print Name

Inge Morrissey

Signature of Member

Date (Year/Month/Day)

2023/10/05

Print Name

Margarita Papenbrock

Signature of Member

Date (Year/Month/Day)

2023/10/06