# Income Assistance for Seniors and Persons with Disabilities Policy Manual

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Government of
Northwest Territories

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# SECTION 1: INTRODUCTION

## *Section 1.01: Purpose*

This manual explains the Northwest Territories (NWT) Income Assistance for Seniors and Persons with Disabilities Regulations and policies. Where there is a discrepancy between policies and legislation, the legislation takes precedence.

**What is the Income Assistance for Seniors and Persons with Disabilities Program?**
The Income Assistance for Seniors and Persons with Disabilities Program helps seniors and persons with disabilities when they do not have enough money each month to pay for basic needs like shelter, utilities, food and clothing. The Income Assistance for Seniors and Persons with Disabilities Program provides additional benefits for other supports, such as childcare.

**What are the Income Assistance for Seniors and Persons with Disabilities Regulations?**
The Income Assistance for Seniors and Persons with Disabilities Regulations (the Regulations) are part of the *Social Assistance Act* (the Act). The Regulations outline how the Income Assistance for Seniors and Persons with Disabilities Program operates and how assistance is delivered.

**What About Other Legislation?**
Other legislation that can influence the Income Assistance for Seniors and Persons with Disabilities program is the Access to Information and Protection of Privacy Act (ATIPP) and the Interpretation Act. This list is not inclusive.

**Who is Responsible?**
The head of the Income Assistance programs is the Director, Income Security Programs. The Director works out of ECE's headquarters office located in Yellowknife. When a Client Navigator finds themself in a situation that is not covered by the Act, the Regulations, or this Policy Manual, the Client Navigator, through their supervisor, should contact the Director to determine how to handle the situation.

**Must Applicants Use the Assistance for Which it Was Intended?**
Applicants are expected to use the assistance they receive through the Income Assistance for Seniors and Persons with Disabilities Program for the purpose it was provided. Client Navigators are not expected to monitor spending except in unusual circumstances that require the Client Navigator's discretion.

**Can Applicants Receive Benefits During a Refusal Period?**
Applicants cannot receive Income Assistance for Seniors and Persons with Disabilities or request a financial review at any time during their refusal period. If the applicant provides new information that supports a reversal in the refusal of Income Assistance, the Client Navigator, through their supervisor, may consult with the Director to determine if a refusal could be reversed.

When there is an appeal pending, Income Assistance for Seniors and Persons with Disabilities shall not be granted until the decision of the Social Assistance Appeal Committee or the Social Assistance Appeal Board is made.

**Asking for Types of Assistance**
The Client Navigator must make all applicants aware of the benefits available to them.

**What Happens When an Applicant Has a Debt with the Income Assistance for Seniors and Persons with Disabilities Program**
If an applicant incurs a debt to the Income Assistance for Seniors and Persons with Disabilities program either through an overpayment or a security/utility deposit they will be required to acknowledge the debt and are responsible for paying this debt back to the Government of the Northwest Territories.

## *Section 1.02: Service Level Commitments*

**Income Security Programs guarantee we will:**

- Provide courteous, quality service and answer all of your questions.
- Treat you with dignity and respect.
- Protect your personal information and correct your personal information if there has been an error or omission.
- Only use your personal information for the purpose of determining program eligibility.
- Welcome a friend, family member, or advocate to come to meetings with you.

**We will achieve this by:**

- Providing a response (verbal or written) to your application within three (3) business days of verifying all of your required documents.
- If approved, we will issue payment within two (2) business days. This does not include time for the bank to process the payment or mail time.
- Returning your telephone and e-mail messages within two (2) business days.
- Assisting you with filing an appeal if you do not agree with a decision.
- Conducting periodic customer satisfaction surveys to ensure optimum service.

In situations where the applicant is not satisfied that the service standards were met, they may complete the **Client Concern Form.**

## *Section 1.03: How to Use the Income Assistance for Seniors and Persons with Disabilities Policy Manual*

This manual follows the same order as the Regulations. The manual groups the Regulations according to themes before providing a brief explanation of those Regulations.

Each section includes the following headings:

- **The Law** – a copy of the Regulation(s)
- **What it Means** – provides details of the Regulation(s)

Each section may also include:

- **Current Practice** – describes what approved practices are in place.
- **Example** – describes "real life" examples of how the Regulation(s) should be used.
- **Note(s)** – outlines any issues or circumstances that a Client Navigator should be aware of.

**Amendments**

The Income Assistance Policy Manual is a living document that is updated on a regular basis. The date that policies are changed by the Director are identified with each amendment in this manual.

**Notes**

1. The words "must", "shall" and "will" in the Act and Regulations, or in this manual, refer to something that has to be done, there is no discretion.

2. The word "may" in the Act, Regulations, or in the manual will be used to express possibility, opportunity or permission and it is not a requirement.

# SECTION 2: INCOME ASSISTANCE FOR SENIORS AND PERSONS WITH DISABILITIES REGULATIONS

## *Section 2.01: Interpretations – The Definition of Words*

### The Law

**1.** (1) In these regulations,

"adult" means a person who is at least 19 years of age;

"applicant" means a person who applies or on whose behalf an application is made for assistance, and includes, subject to subsection (2), a spouse residing with the person applying, and a recipient;

"application" means an application for assistance under these regulations;

"budget deficit" means the amount by which the total cost of those income assistance benefits that are necessary to an applicant exceeds the financial resources of the applicant;

"budget surplus" means the amount by which the financial resources of an applicant exceed the total cost of the income assistance benefits;

"child" means a person who is less than 18 years of age; "dependant" means an individual who

(a) is a member of the family of the applicant,
(b) resides with the applicant, and
(c) is wholly or in part dependent on the income of the applicant, and includes a mature dependant but does not include
(d) a foster child, or
(e) an adult residing with the applicant who is not a dependant; *(personne à charge)*

"Director of Child and Family Services" means the Director as defined in section 1 of the *Child and Family Services Act*;

"disability" means a physical, mental, intellectual, cognitive, learning, communication or sensory impairment that is permanent, persistent or prolonged and which significantly restricts the person's ability to perform daily-living activities and meet their basic financial needs for a continuous period of 12 months or more;

"eligibility period" means the period beginning on the July 1 immediately preceding the date on which an applicant submits an application and ending on the following June 30;

"family" means an applicant and their dependants;

"financial resources" means the financial resources of an applicant as determined in accordance with section 22;

"foster child" means a child who is maintained in a private home by the Director of Child and Family Services;

"head of the family" means

(a) the person in the family who is a person with a disability or a senior, and
(b) in the case of a family with more than one person with a disability or with more than one senior, the oldest person in the family who is a person with a disability or a senior;

"household" means a family as well as any other adults or seniors who reside with the family;

"income assistance benefits" means the benefits set out in the Schedule;

"mature child" means a person who is 18 years of age; "mature dependant" means a person who

(a) is a member of the family of the applicant,
(b) is an adult who is less than 22 years of age,
(c) resides with the applicant,
(d) is wholly or in part dependent on the income of the applicant, and
(e) elects to be considered a dependant of the applicant;

"month" means a calendar month;

"Officer" means a Social Welfare Officer appointed under section 4 of the Act;

"person with a disability" means a person who the Director has determined, under section 2, is a person with a disability;

"recipient" means an applicant to whom assistance has been granted under section 15;

"resident" means a person who resides in and is ordinarily present in the Northwest Territories;

"senior" means a person who is at least 60 years of age; "spouse" means a person who

(a) is married to another person,
(b) has together with another person, in

good faith, entered into a marriage that is voidable or void, or

(c) is cohabiting with another person in a conjugal relationship outside marriage;

"trustee" means a person named in a legal instrument as having decision-making authority respecting the administration of the property of an applicant and includes a power of attorney under the *Powers of Attorney Act* and a guardian or trustee under the *Guardianship and Trusteeship Act*;

"year" means a calendar year.

(2) The Director may, for the purposes of the definition "applicant", recognize a spouse who does not reside with an applicant as included in the definition "applicant".

**2.** A person is a person with a disability for the purposes of these regulations if the Director determines that the person has a disability as defined in subsection 1(1).

## What it Means

Section 1. and 2. of the Regulations provides the exact meaning of significant words that are used throughout the Regulations.

## Words in This Manual

The following are definitions of words and terms used in this manual:

**Applicant**
A person who applies for assistance and their spouse.

**Application**
An application for Income Assistance, which includes the Statement and Authorization. An application must be completed annually, or when an applicant has a change in relationship status.

**Application Period**
The period of time that an application can be submitted, and an applicant can receive benefits. (July 1st to June 30th each year.)

**Asset**
Any item of economic value owned by an individual, which may include cash, investments, vehicles, real estate or other property. The value of the item may not be included in the financial review until it is sold.

**Bachelor Apartment**
Is a self-contained unit which combines a living room, bedroom and kitchenette into a single room and has a separate bathroom that is not shared.

**Business Day**
Monday through to Friday, excluding statutory and civic holidays and Mandatory Leave days.

**Client Navigator**
An individual appointed as a Social Welfare Officer by the Director.

**Compensation**
Money paid or payable as compensation for harm done to an individual.

**Daily Living Activities**
A term used in healthcare that refers to an individual's daily self-care activities, which may include the ability:

- to maintain employment
- to manage finances (pay bills or rent on their own)
- to participate in community activities
- to move around unassisted (without a caregiver or family member)

**Detached Secondary Structure**
A structure located on the same lot as the primary residence and is considered standard residential structure.

**Director's Discretion**
The Director has the legislative authority to make a decision in an applicant's case.

**Disabled Person**
A person with a permanent or long-term disability that meets the eligibility criteria for Income Assistance.

**Excluded Income**
Income that is not included in the calculation of financial resources.

**Family**
This refers to immediate family and is defined as a father; mother, legal guardian, brother, sister, spouse, child, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparent, and all relatives permanently residing with them.

**Financial Review**
A review of an applicant's income, including assets and other financial resources.

**Friend**
A close and favoured companion.

**Full-time Child Care**
Child care provided for a period of more than five (5) consecutive hours per day.

**Head of Household**
The oldest applicant who meets the criteria of a senior or person with disability under Income Assistance.

**Headquarters**
The head office of ECE where the Income Security Programs Division is located, the Director is based, and support is provided for the administration of Income Security Programs.

**Landlord**
The legal owner(s) of a property and/or building.

**Long-term Disability**
A disability or impairment that significantly impacts an individual's daily living activities and their financial ability to meet their basic needs for a continuous period of at least 12 months.

**Mature Child**
A person who is 18 years of age.

**Mature Dependant**
An adult under 22 years of age, who resides with the applicant and elects to be considered a dependant of the applicant.

The mature dependant is treated as a dependant and is not included in the calculation of benefits.

**Month or Monthly**
The period of time that represents a calendar month, such as the month of February. [*Interpretations Act*]

**Neglect**
An applicant's failure to carry out, perform, or meet program requirements.

**Notice of Assessment (NOA)**
Is a summary of your tax return, issued by the Canada Revenue Agency.

**Occupancy**
Living in or using a suite or residential structure as a place of residence.

**Part-Time Child Care**
Child care provided for a period not exceeding five (5) consecutive hours per day.

**Permanent Disability**
A disability or impairment that impacts an individual's daily living activities and their financial ability to meet their basic needs and medical treatment will not remove or heal their disability.

**Recipient**
An applicant to whom assistance has been granted.

**Remote/Inaccessible Area**
A remote or inaccessible area is any place that is not easily accessible and is more than 50 kilometres from the nearest road.

**Reporting Period**
The period of time which an assessment is based. It is the previous calendar year.

> ***Example:*** *A 2023-2024 application is assessed within the 2022 reporting period, which uses the 2022 calendar year NOA*.

**Reside**
The location where an applicant lives either permanently or on a long-term basis.

**Resident**
A person who resides in and is ordinarily present in the Northwest Territories.

**Retroactive**
Intended to apply or take effect at a date in the past.

**Room and Board**
An accommodation in which the fee includes the cost for shelter and food.

> ***Example:*** *A long-term care facility*

**Secondary Suite**
A secondary suite is a private, self-contained unit within an existing home. It has its own bathroom, kitchen, living area and sleeping area.

**Self-contained unit**
An accommodation that has a kitchen and bathroom contained within the unit that is not shared.

> ***Example:*** *a hotel room that has a kitchenette and a bathroom within the room.*

**Senior**
A person who is 60 years of age or older.

**Separated**
When a couple no longer lives together but are not legally divorced. The Client Navigator must consult their supervisor if other circumstances exist.

- **Indicators of Separation**: A partner of legal or common law marriage, who claims to be separated when applying for Income Assistance for Seniors and Persons with Disabilities program, must sign a statutory declaration in support of this separation.
- **Evidence of Family Violence**: Information provided by police, medical personnel, a social worker, or advocate accompanied by a change in residence from the applicant or partner.
- **Geographic Separation:** When an applicant is residing outside of their home community and maintaining a separate residence from their spouse due to educational or medical reasons. This does **NOT** apply to applicants who are residing separately from their spouse for employment reasons.

**Spouse**
A person, 19 years of age and older, who is either legally married to another person or living together in a common-law relationship.

A person under the age of 19 can only be added to the Income Assistance assessment as a spouse if they are legally married to the applicant.

**Standard Residential Structure**
A self-contained structure or unit that is built and intended for people to live in year-round. It includes basic features needed for daily living such as sleeping, cooking, heating, plumbing, and toilet facilities, and has been approved for occupancy in accordance with local authority requirements

**Suitable Housing**
An accommodation that contains enough bedrooms for the size and make-up of resident households, according to the Canadian National Occupancy Standard (CNOS) requirements.

CNOS requirements define suitable housing as a unit that has one bedroom for the following:

- Each cohabiting adult couple;
- Each lone parent or legal guardian;
- Unattached household member 18 years of age and over;
- Same-sex pair of children under age 18; and

- An additional child of each sex in the family, unless there are two (2) opposite sex children under five (5) years of age, in which case they are expected to share a bedroom.

**Timely Manner**
As soon as reasonably possible but does not exceed 60 days.

**Transient Living Accommodation**
A room or suite of rooms which is occupied not as a primary residence. This includes recreational vehicles, tents, emergency shelters, hospitals, short term care facilities, hotels, hostels, or other similar tourist establishments.

**Traditional Activities**
A traditional activity is any one of the following: hunting, fishing, trapping, crafting (baskets, beadings, etc.), carving or being out-on-the-land in a remote or inaccessible area.

**Trustee**
Any person who has been given control or powers of administration of the property of the applicant under any form of legal agreement, including Power of Attorney, Guardianship, or a Long-Term Care Arrangement. This does not include family members or a spouse that share household responsibilities as this is not a legal agreement.

**Year**
A 12-month period, beginning on the first day of the following month.

> ***Example:*** *February 1st, 2022, through January 31, 2023, is a year.*

# *Section 2.02: Person in Need – Who is Eligible*

## The Law

**3.** (1) Subject to subsection (2) and for the purposes of determining the provision of assistance, an applicant is a person in need if, by reason of disability or age,

(a) a budget deficit exists; or

(b) a budget surplus exists that is inadequate, as determined in accordance with the direction of the Director, to provide for an unexpected situation.

(2) An applicant described in subsection (1) is not a person in need if

(a) the applicant is a child or a mature child;

(b) the applicant is incarcerated;

(c) the applicant has the means available to maintain their family adequately;

(d) the applicant refuses or neglects to utilize all of the financial resources that the applicant may access, including but not limited to employment or, subject to subsection (3), pension benefits;

(e) the total amount of money held in a bank or other financial institution and belonging to the applicant or any member of the applicant's family, exceeds $75,000; or

(f) the applicant is a recipient as defined in the *Income Assistance Regulations.*

(3) An applicant is not required to access pension benefits before the applicant is 65 years of age

**4.** An applicant is only eligible to receive assistance if

(a) the applicant

(i) is a senior or a person with a disability, or

(ii) is the spouse of a senior or a person with a disability and

(a) resides with the senior or person with a disability, or

(b) has been recognized under subsection 1(2) as being included in the definition of applicant; and

(b) the applicant

(i) is a Canadian citizen,

(ii) is a permanent resident as defined in subsection 2(1) of the *Immigration and Refugee Protection Act* (Canada),

(iii) is a protected person within the meaning of subsection 95(2) of the *Immigration and Refugee Protection Act* (Canada) and

(a) has applied for permanent resident status, and

(b) has been issued a social insurance number, or

(iv) is a person who has made a claim for refugee protection inside Canada under subsection 99(1) of the *Immigration and Refugee Protection Act* (Canada), whose claim

(a) has, under section 100 of that Act, been referred to the Refugee Protection Division of the Immigration and Refugee Board, or is deemed to be referred, and

(b) has not been rejected, suspended, abandoned or withdrawn.

(v) is a foreign national in Canada who has made a request under subsection 25(1) of the Immigration and Refugee Protection Act (Canada) and whose request has not been rejected, suspended, refused, abandoned or withdrawn.

**4.1.** (1) An applicant is not eligible to receive assistance if

(a) the applicant has applied for assistance under the *Income Assistance Regulations* and their eligibility for assistance has yet to be determined;

(b) the applicant is a recipient under the *Income Assistance Regulations*, subject to subsection (3);

(c) an Officer refused assistance to the applicant under subsection 12(2) or

section 14 of the *Income Assistance Regulations; and*

(d) the applicant is a recipient under the *Income Assistance Regulations* and the applicant was previously a recipient under these regulations within the current eligibility period.

(2) If an applicant is ineligible to receive assistance for one month or two months, as the case may be, under section 4 or 5 of the *Income Assistance Regulations*, the applicant is not eligible to receive assistance under these regulations during that period.

(3) An applicant who is or was a recipient under the *Income Assistance Regulations* is eligible for assistance if they become

(a) a senior or a person with a disability under subparagraph 4(a)(i); or

(b) a spouse of a senior or a person with a disability under subparagraph 4(a)(ii).

**5.** (1) If the Director determines that an applicant has made a false or misleading statement for the purpose of obtaining assistance for themselves or any other person, the applicant is not eligible to receive assistance for the month in which the Director makes that determination and an Officer shall terminate any assistance that has been provided for that month.

(2) If an applicant is found to be ineligible under subsection (1) and they were previously found to be ineligible under that subsection, the applicant is not eligible to receive assistance for a period of two months, beginning in the month in which the Director makes the determination under subsection (1).

(3) Subsection (2) does not apply if

(a) it has been at least 36 months since the applicant was last found to be ineligible under subsection (1); or

(b) the applicant has not been in receipt of assistance during the 12 months preceding the determination under subsection (1).

**6.** (1) If a recipient's assistance is terminated under paragraph 20(1)(c), the recipient is not eligible to receive assistance for the month in which their assistance is terminated.

(2) If a recipient's assistance is terminated under paragraph 20(1)(c) and it was previously terminated under that paragraph, the recipient is not eligible to receive assistance for a period of two months, beginning in the month in which the recipient's assistance is most recently terminated.

(3) Subsection (2) does not apply if

(a) it has been at least 36 months since the recipient's assistance was last terminated under paragraph 20(1)(c); or

(b) the recipient has not been in receipt of assistance during the 12 months preceding the most recent termination.

## What it Means

Section 3. through 6. of the Regulations explains how to determine if a person is in need and is eligible to receive Income Assistance. It also explains what a Client Navigator must do when an applicant's assistance is increased, reduced or refused.

### Income Assistance Recipients

An applicant may only receive benefits through one of the Income Assistance programs.

The Income Assistance program is month-to-month; an applicant who receives benefits under the Income Assistance program may choose to apply for Income Assistance for Seniors and Persons with Disabilities program the following month.

The Income Assistance for Seniors and Persons with Disabilities program is an annual program; an applicant receiving benefits under Income Assistance for Seniors and Persons with Disabilities program cannot apply for the Income Assistance program until the end of the assessment period.

The Client Navigator may seek approval, through their supervisor, from the Director to allow an Income Assistance for Seniors and Persons with Disabilities applicant to apply for the Income Assistance program on a case-by-case basis.

**Applicants who are Temporarily Hospitalized, or Staying in a Safe or Emergency Shelter**

An applicant who is temporarily hospitalized or staying at a safe or emergency shelter may be considered a person in need and may be eligible to receive benefits under the Schedule.

**Income Assistance for Seniors and Persons with Disabilities Program and the Senior Home Heating Subsidy**

An applicant must submit an **Application for Income Assistance for Seniors and Persons with Disabilities program and Senior Home Heating Subsidy**. An applicant can choose whether they want to be assessed for Income Assistance for Seniors and Persons with Disabilities program, Senior Home Heating Subsidy, or both. The Client Navigator will determine eligibility based on the programs the applicant applied for. An applicant cannot receive Senior Home Heating Subsidy and Income Assistance for Seniors and Persons with Disabilities benefits during the same period.

**Person Not in Need**

The following are examples of situations where a person **is not** considered to be a person in need:

- A person is under the age of 19 and considered a child
    - In cases where a parent or legal guardian is receiving Income Assistance benefits for a child who turns 19 during the assessment period, the adult child can choose to be a mature dependant for the remainder of the assessment period, unless the adult child applies for Income Assistance benefits on their own behalf. If the adult child applies for their own Income Assistance benefits, the Client Navigator must complete a reassessment of needs.
- A person is in prison
    - If the person becomes incarcerated after receiving Income Assistance, the benefits are not to be recovered if they inform their Client Navigator within 60 days of the change. If the person fails to notify their Client Navigator within 60 days, the full amount of benefits are to be recovered.
- A person who, while receiving Income Assistance for Seniors and Persons with Disabilities

  - Now has the resources (money) to support themselves. An applicant must inform their Client Navigator of any changes of income throughout the application period.
  - Will not, or does not, use all the financial resources they can access and is thus not eligible for assistance.
  - Will not, or does not, provide any personal or financial information required for the Client Navigator to carry out a financial review.
  - Has made a false or misleading statement, as determined by the Director, in order to receive assistance for themselves or for another applicant.
  - Leaves the NWT for a period greater than three (3) months, other than for medical care or treatment.
- A person who is receiving benefits from the Income Assistance program.
- A person who was a recipient under the Income Assistance program and assistance was terminated under Section 4. (1), 4. (2) or paragraph 20. (1)(c) of the Income Assistance Regulations.
- A person who is receiving benefits from the Senior Home Heating Subsidy in the same assessment period.

**Penalties**

- **False or Misleading Statement:** If the Director is satisfied that an applicant has made a false or misleading statement for the purpose of obtaining assistance for themself or any other person, the applicant and their dependants are not eligible to receive assistance for a one (1) month period at the discretion of the Director.
- **Assistance is Terminated:** Where an applicant and their dependant's assistance is terminated, they are not eligible to receive assistance for the month in which their assistance is terminated.
- **Two Strikes Rule:** If an applicant and their dependant's assistance is terminated a second or subsequent time, for the same reason as the first, they are not eligible to receive assistance for a two (2) month period, beginning the month in which their assistance is terminated. If the two (2) month termination was issued more than 36 months ago, the termination period resets to one (1) month.

  ***Example:*** *An applicant received a two (2) month refusal of assistance in June 2024 for failing to declare income. If they are not issued a refusal for the same reason between September 2024 and May 2027, the refusal period is reset to one (1) month.*

**Who is Eligible?**

Canadian citizens, permanent residents, refugee claimants, protected persons, and applicants who have applied to the Government of Canada for permanent residency under Humanitarian and Compassionate grounds awaiting the decision living in the NWT are eligible for assistance with a social insurance number.

If refugee claimants or protected persons and their dependants have not been issued temporary or permanent social insurance numbers, they must provide proof within two (2) months that they have applied for their social insurance number. The Client Navigator must contact their supervisor who can verify the applicant's and their dependants' Canadian citizenship status.

**Debt Versus Needs**

An applicant cannot receive assistance for a need that is outside of the Regulations. A debt of any type (credit card, maintenance, personal taxes, car payments, phone bills etc.) is not considered a need.

Rent, utilities, or fuel arrears incurred when an applicant was not receiving Income Assistance are not considered needs.

**Notes**

1. Housing NWT delivers the Homelessness Assistance Fund, which can assist an applicant and their dependants to return to their home community within Canada or those who are at risk of becoming homeless.

2. Housing NWT delivers the Canada NWT Housing Benefit, which can assist applicant with a portion of their rental costs.

3. A person under the age of 19 is not eligible to apply for Income Assistance. The Department of Health and Social Services may provide benefits under a social program through an Extended Support Services Agreement (ESSA).

## *Section 2.03: Kinds of Assistance – Money, Goods or Services*

### The Law

7. (1) The kinds of aid that constitute assistance for the purpose of the Act are money, goods and services.

(2) Income assistance benefits or a portion of them may be provided in goods or services of an equivalent amount.

### What it Means

Section 7. of the Regulations explains how Income Assistance can be provided to applicants.

Aid for benefits can be provided to an applicant in the form of:

- Money (cheque or direct deposit)
- Goods and services (e.g., food, fuel, etc.)

For more information on benefits available through the Income Assistance for Seniors and Persons with Disabilities program, refer to Sections 3 of this manual.

## *Section 2.04: Delegation – Transfer of Responsibilities*

### The Law

8. The Minister may delegate to a local authority designated under section 5.1 of the Act the implementation of any direction of the Director referred to in these regulations in a community in respect of which the local authority has been designated.

### What it Means

Section 8. of the Regulations explains how local First Nations, Indigenous Governments and other community groups can be given responsibilities regarding Income Assistance.

The Minister can delegate duties, not the authority of the Director, to community groups. However, at this time, the Minister has not delegated any authority.

Regardless of the employer, all Client Navigators are subject to the same Regulations, policies and procedures. On matters regarding policies and procedures, the Client Navigator should report to their supervisor of Income Security Programs.

# *Section 2.05: Application for Assistance – How to Apply*

## The Law

9. (1) Every person applying for assistance shall
   (a) make an application for assistance to the Officer for the area in which the applicant is residing; and
   (b) sign a statement and authorization in accordance with sections 10 and 12.

(2) Subject to subsection (3), an application for assistance on behalf of a family shall be made by the head of the family on behalf of the family.

(3) An Officer may permit an application to be made by another member of the family who is an adult or a senior, or by a responsible person outside of the family, if the Officer determines that extraordinary circumstances exist that render the head of the family unable to make the application.

(4) A person shall not apply for assistance if
   (a) the person has applied for assistance under the *Income Assistance Regulations*; and
   (b) the person's eligibility for assistance has yet to be determined.

(5) A person shall not apply for assistance if the person is or was a recipient under the *Income Assistance Regulations*, except as described in subsection 4.1(3).

10. Subject to sections 11 and 12, the Director shall determine the content of the forms to be used
   (a) for an application and a statement and authorization referred to in paragraph 9(1)(b);
   (b) for an assessment and verification of whether an applicant is a person in need; and
   (c) for any other purpose that the Director considers necessary.

11. (1) In this section, "income in kind" means goods or services received by an applicant free of charge.

(2) The following must be provided in respect of an applicant and, except where noted, each of the applicant's dependants, before assistance is granted:
   (a) name, gender, address, birth date, marital status and ethnicity;
   (b) with respect to an applicant applying as a person with a disability or as the spouse of a person with a disability, a certificate of a medical professional, in a form approved by the Director, certifying that the applicant or the spouse of the applicant, as the case may be, is a person with a disability as defined in subsection 1(1);
   (c) subject to subsection (5), proof satisfactory to an Officer, of social insurance number;
   (d) description of any maintenance order entitling the applicant to maintenance;
   (e) the net annual income, as described in subsection 22(1), of the applicant;
   (f) the annual amount and sources of all income and income in kind;
   (g) information concerning finances from, if relevant, the applicant's employer, bank or other financial institution, mercantile organization, educational institution and federal, provincial, territorial and municipal government departments and agencies, including the Canada Revenue Agency and Employment and Social Development Canada.

(3) The information and documentation set out in subsection (2) must be provided within 60 days of the date of application for assistance or within such other time within the eligibility period as may be permitted by the Officer.

(4) An Officer
   (a) may not grant assistance under section 15 until all information and documentation set out in subsection (2) has been received; and
   (b) shall, subject to subsection (5), refuse an application for assistance if the information and documentation set out in subsection (2) is not received within the time limit set out in subsection (3).

(5) If, for reasons satisfactory to the Officer, proof of social insurance number is not available at the date of an application for assistance, the applicant shall, within two months after that date,

provide proof that

(a) the applicant has applied for a social insurance number; or

(b) in the case of a mature dependant, the mature dependant has applied for a social insurance number.

12. The statement and authorization of the applicant referred to in paragraph 9(1)(b) must include statements that the applicant

(a) meets

(i) one of the eligibility criteria set out in subparagraphs 4(a)(i) and (ii), and

(ii) one of the eligibility criteria set out in subparagraphs 4(b)(i) to (iv);

(b) is at least 19 years of age;

(c) will inform the Officer of any change in the applicant's circumstances as set out in subsection 19(1);

(d) authorizes the Officer to verify the information provided by the applicant;

(e) authorizes the release to an Officer of any information, including personal information, relating to the applicant by the applicant's employer, bank or other financial institution, mercantile organization or educational institution or by a federal, provincial, territorial or municipal government department or agency, including the Canada Revenue Agency and Employment and Social Development Canada for the purpose of determining the applicant's financial resources and their eligibility for assistance and for the effective and efficient general administration and enforcement of the Act and the regulations made under the Act;

(f) authorizes the release to an Officer of any information, including personal information relating to any claim by the applicant for benefits including but not limited to employment, unemployment, pension or disability benefits under any Act of Canada, the Northwest Territories, another territory or a province;

(g) authorizes the release by an Officer of any information relating to the applicant including personal information, to the applicant's employer, bank or other financial institution, landlord, utility provider, mercantile organization or educational institution or to a federal, provincial, territorial or municipal government department or agency, including the Canada Revenue Agency and Employment and Social Development Canada for the purpose of determining the applicant's financial resources and their eligibility for assistance and for the effective and efficient general administration of the Act and the regulations made under the Act;

(h) understands the circumstances under which and the procedure by which they may appeal a decision respecting assistance and the circumstances under which the Officer may assist the applicant in making the appeal;

(i) declares the information that the applicant provides to the Officer is true;

(j) understands that making a false or misleading statement for the purpose of obtaining assistance for themselves or any other person is an offence punishable on summary conviction; and

(k) will repay assistance for which the applicant is not eligible or in excess of the amount of assistance to which the applicant is eligible and understands that such assistance may be deducted from future assistance payments.

13. (1) An Officer may, in addition to the requirements set out in sections 11 and 12, require an applicant to disclose fully such information as the Officer considers necessary to establish the eligibility of the applicant.

(2) An Officer may refuse assistance until sufficient information is provided as required under subsection (1).

(3) An Officer shall, within three business days of a decision to refuse assistance under subsection (2),

(a) inform the applicant of the decision; and

(b) provide written reasons for the refusal.

14. An Officer shall refuse assistance to any applicant whom the Officer determines is not a person in need or is not eligible under section 4, 5 or 6, and shall, within three business days of a decision to refuse,

(a) inform the applicant of the decision; and
(b) provide written reasons for the refusal.

**What it Means**

Sections 9. through 14. of the Regulations set out the rules that applicants must follow when applying for Income Assistance and the rules a Client Navigator must follow when refusing an applicant.

**Place of Residence**

An applicant must apply for Income Assistance in their home community. Before an applicant can receive Income Assistance from another community, they must provide proof of residence (e.g., address change, rental agreement, utility bill, etc.) to the Client Navigator that they have moved to a new community. To assess eligibility for assistance in the new community, the Client Navigator must determine the amount of assistance received prior to an applicant's move to a new community.

**Applicants who are Temporarily Outside of their Home Community and Within the NWT**

An applicant may be considered temporarily outside of their home community if they are travelling for personal reasons (e.g., visiting relatives or participating in traditional activities) and will not be immediately returning to their home community.

An applicant must notify their Client Navigator anytime they leave their home community as it may impact their benefits.

**Application and Forms**

The Director must approve all forms. The Client Navigator **shall** use only the approved forms.

An applicant must complete and sign all necessary forms to apply for Income Assistance. Applicants who are unable to complete the forms may request assistance from another adult member of the family, another responsible adult, or the Client Navigator.

E-signatures are accepted on any form or document.

**Applicant and Dependant Information**

Applicants must provide all the following information for themselves and for any dependants. The Client Navigator must collect all of the following information before the need for Income Assistance is determined:

- Full name (first, last, middle, as well as nicknames, maiden names, aliases, etc.)

- Gender
- Address (street and mailing)
- Phone number(s)
- Birth date(s)
- Marital status
- Proof of Social insurance number (copy)
- Description of any maintenance order (copy)
- Employment information
- Bank statement for most recent 60 days
- Notice of Assessment (NOA) from the previous calendar tax year

First time applicants who are unable to provide proof of social insurance number must provide proof within two (2) months that they have applied for their social insurance number. Once proof is provided, Income Assistance benefits may be provided onward. Applicants who do not provide this information within two (2) months must be issued a Request for Missing Information form and are ineligible to receive Income Assistance benefits until such time as the information is provided.

First time applicants who are unable to provide their NOA from the previous calendar tax year may be eligible for a grace period to provide the document. The Client Navigator must seek approval to issue the grace period from the Director.

A Client Navigator must submit a request for Verification of the applicant's income at the time an application is submitted. If the verification process produces additional information on income that was not reported, the applicant may be refused benefits and it may result in an overpayment of IA benefits.

**Dependants who are 19-21 Years of Age**

If the applicant has an adult child between 19-21 years of age residing in their household, the adult child can opt to remain on their parent or legal guardian's application as a mature dependant or apply for benefits on their own.

- If the adult child chooses to be a mature dependant:
  - The parent or legal guardian and mature dependant must sign **Form I – Mature Dependant**
  - The mature dependant's income is excluded from the calculation of benefits
  - There is no increase to the household benefits
  - Shelter and utility benefits continue to be included in the parent or legal guardian's application
- If the adult child chooses to apply for Income Assistance on their own:
  - They must complete their own application
  - Their income is counted in the calculation of benefits
  - They may be eligible for basic benefits
  - They may be eligible for a portion of shelter and utilities

**Note:**
A Mature Dependant who turns 22 during an assessment period is eligible to remain on the parent or legal guardian's file as a Mature Dependent until the end of that assessment period.

**Statement and Authorization**
The Statement and Authorization (SAA) is a required document and must be signed by the applicant and co-applicant. The SAA has conditions that the applicant and co-applicant must declare, agree to and understand. Applicants agree to tell the truth on their application.

The SAA allows the Client Navigator to collect information about an applicant and their dependants, as well as use any information that an applicant has provided in determining eligibility for program benefits.

The SAA also allows an official from Income Security Programs to obtain information from Canada Revenue Agency (CRA) or commits the applicant to provide a copy that may be redacted.

The SAA is valid for one year from the date it was signed by the applicant.

**Note:**
The SAA must cover an entire assessment period to be valid. If it expires within the assessment period, a new SAA must be signed prior to approval.

***Example**: John Doe signs his SAA on January 13, 2024, and it expires on January 12, 2025. John Doe will not be eligible to apply for the July 2025-June 2026 assessment period until they complete a new application.*

**Request for Additional Information**
Applicants may be asked to provide additional information if it is required for the Client Navigator to determine eligibility.

**Refusing Assistance**
The Client Navigator may be required to refuse assistance to an applicant. The applicant must be notified in writing of the decision within three (3) business days. If that is not possible, the written decision will be mailed to the applicant.

**Guardian**
A person who has guardianship of a child(ren) must provide documentation that they have day-to-day care of the child(ren).

Documentation that an applicant has day-to-day care of the named child(ren) can be one or more of the following:

- A letter from Health and Social Services (does not include foster children)
- A signed Statutory Declaration from the parent or legal guardian outlining the guardianship has been given
- Guardianship Order

This would not apply in a custom adoption situation as the child(ren) will be considered legally adopted.

**Other Sources of Income for Children**

In the event of a separation, the parent or legal guardian who has day-to-day custody of the child(ren) are encouraged to apply for child support. The legal parent or legal guardian are encouraged to apply for child maintenance as this is an additional financial resource.

Parents and legal guardians who are not in receipt of the Canada Child Benefit (CCB) are encouraged to apply. This is a financial resource to provide for the cost of raising a child.

# *Section 2.06: Granting of Assistance – How Assistance is Given*

## The Law

15. (1) If, after thoroughly reviewing and verifying the information provided by the applicant, an Officer is satisfied that an applicant is eligible to receive assistance and is a person in need, the Officer shall grant assistance and shall
    (a) determine the amount of assistance to be provided based on the applicant's need and in accordance with the Schedule as is applicable to the circumstances of the applicant;
    (b) determine, in accordance with the direction of the Director, whether the assistance is to be provided as money, goods or services, or any combination of them; and
    (c) provide the assistance determined under paragraphs (a) and (b).
(2) An Officer shall
    (a) advise the applicant of the decision under subsection (1), including the amount of assistance to be provided and the manner in which the amount was determined; and
    (b) advise the applicant of their responsibility to inform the Officer of any change in circumstances as set out in subsection 19(1).

## What it Means

Sections 15. of the Regulations set out the process Client Navigators must follow to provide Income Assistance.

### Client Navigator Responsibilities

All documentation submitted by the applicant must be date stamped upon receipt.

After the Client Navigator has reviewed and examined an applicant's application and determined that the applicant is in need, the Client Navigator must:

- Calculate the amount of eligible assistance
- Inform the applicant they are eligible to receive assistance and what they can receive each month
- Determine how the assistance will be provided in consultation with the applicant
    - Inform the applicant that for payments not issued directly to a supplier (e.g. landlord, utility provider) proof of payment must be provided to receive benefits in future months.
- Inform the applicant they must report all changes to their personal information (where they live, how many people are in the family, etc.) and financial information (income)
- Explain the Income Assistance for Seniors and Persons with Disabilities program to the applicant, making sure they understand what they are eligible to receive, how much they are receiving, what their rights and obligations are and what the Government of the Northwest Territories rights and obligations are
- Ensure all of the applicant's needs are authorized as soon as eligibility is determined

The Director has authority to overturn the Client Navigator's decision.

**Providing Assistance to Family Members and Friends**
A Client Navigator who works alone in a community can help a family member, friend or co-worker who is applying for assistance, but cannot issue Income Assistance without approval from a Client Navigator in another community or their supervisor.

**Where is the Benefit Paid to?**
The benefit is payable to the applicant, on behalf of an applicant, to the person, business, landlord, government or agency of the applicant's choice.

It is up to an applicant to decide to whom the benefit will be paid. If an applicant wants the payment to go to someone other than themselves, they must complete **Form E – Payment Authorization to a Third Party.** This authorization is valid for one year from the date of signature.

# *Section 2.07: Commencement of Assistance – When Assistance Starts*

## The Law

16. (1) If assistance has been granted under section 15, the assistance
    a. must begin on the later of the month in which an application is made and the month in which the need for assistance is established; and
    b. must be provided monthly during the eligibility period, including for the entire month in which the assistance begins.

(2) If the eligibility of an applicant for assistance cannot be determined immediately for reasons beyond the control of the applicant or the Officer and the need of the applicant is apparently urgent, a grant of minimal assistance may be provided in accordance with the Schedule to meet the need until the eligibility of the applicant can be determined.

(3) The Director may exercise their discretion to provide assistance for a maximum of 12 months prior to the day on which the need for assistance is established but may not provide assistance for any month prior to the one in which an application is submitted.

(4) Notwithstanding anything in this section, if it is determined as a result of an appeal commenced in accordance with the Act that the applicant was incorrectly denied a benefit through no fault of the applicant, the applicant is entitled to be awarded assistance for the entire period of entitlement.

(5) Notwithstanding subsections (1) and (2), assistance shall not be provided in respect of a period of time during which an applicant was not eligible to receive assistance under section 4, 5 or 6.

(6) Notwithstanding subsections (1) and (2), an Officer shall not provide assistance to an applicant for any month during which the applicant received assistance under the *Income Assistance Regulations*.

17. (1) Assistance in the form of money may be paid
    a. by cheque or direct deposit to the recipient or as otherwise directed by the recipient; or
    b. by cheque to a trustee.

(2) Assistance in the form of goods or services may be provided to the recipient by the Officer or by a person authorized by the Officer to provide the goods or services.

(3) If, under subsection (1), payment is made to a trustee the trustee shall, at the request of the Director and in a manner approved by the Director, provide an accounting of expenditures to the Officer granting the assistance.

## What it Means

Section 16. of the Regulations explains when to begin an applicant's Income Assistance.

An **Application for Income Assistance**, which includes the SAA, must be completed annually. If there is a change in the applicant's circumstance, such as a change in relationship status, or a change in residence, the applicant must notify their Client Navigator in a timely manner so a reassessment can be completed.

### Start of Assistance

Assistance begins in the month the applicant submits an application for Income Assistance.

If the Client Navigator is not in the community, the assistance starts when the applicant contacts the Client Navigator by phone, fax or email, unless the applicant misses the appointment date to start the application process.

**Missing Information**
If the applicant does not submit the required supporting documentation with their application, the Client Navigator must issue **Form B - Request for Missing Information.** The applicant has 60 days to submit the supporting documentation. If the applicant does not submit the supporting documentation within 60 days, the Client Navigator must issue a refusal under Section 20. (1)(d) of the Regulations.

**Retroactive Payments**
The Client Navigator has the authority to issue eligible assistance to a maximum of six (6) months prior to the current month. The Client Navigator must have supervisor approval to issue payments for any other months within a 12-month period. Applicants will not be eligible to receive retroactive payments for benefits outside of the 12-month period.

> ***Example:*** *If an applicant qualified for Income Assistance in January 2024 and did not submit a utility bill, the bill can be paid up to December 2024.*

**Grace Period**
If a first-time applicant is unable to provide all the required documentation to complete the initial assessment, the Client Navigator can seek approval from the Director to grant the applicant a grace period of up to 60 days to provide the missing information. If an applicant receives the grace period, the Client Navigator will complete a two (2) month assessment based on a current year reassessment.

> ***Example:*** *An applicant has never applied for Income Assistance and has not filed their taxes. The Client Navigator can seek approval from the Director to provide the applicant with a grace period of 60 days to submit the required documentation.*

**Verification Delays**
The applicant must provide all required documentation the Client Navigator needs to determine eligibility for assistance. In addition to the required documentation, the Client Navigator must complete additional verification checks. Awaiting responses from ClientCheck for this additional information shall not prevent the Client Navigator from determining eligibility.

If the applicant has provided all required documentation to complete an assessment and they are eligible for assistance, the benefits are to be issued. Once ClientCheck verifications are received and if it is determined that the applicant was not eligible for assistance, the assessment must be amended to reflect the new information, and the Client Navigator must review the file to determine future eligibility.

> ***Example:*** *If an applicant has indicated that they have zero (0) sources of income and bank verifications from ClientCheck takes longer than three (3) days, the Client*

*Navigator will assess the application based on the information provided by the applicant.*

**Assistance Paid to a Trustee**

If assistance is paid to a trustee, the trustee must provide the list of expenses paid on behalf of the applicant to the Client Navigator at least every 12 months, unless the Director approves another time-period.

When assistance is paid to the trustee, the trustee must arrange to take care of the applicant's affairs by completing all the required documentation and signing or arranging for signatures for all the required documentation.

# *Section 2.08: Changes in Amount of Assistance – Changing or Stopping Assistance*

## The Law

18. (1) If a recipient provides information satisfactory to an Officer that the recipient's need for assistance, as assessed under paragraph 15(1)(a), has increased due to a change in circumstances, the Officer shall, subject to subsection (3), grant an increase in the amount of assistance determined under that paragraph.

(2) An increase to assistance granted under subsection (1) must

(a) take effect the later of

(i) the month in which the Officer is advised that the recipient's need has increased, and

(ii) the month in which the need for increased assistance is established; and

(b) be provided monthly for the remainder of the eligibility period.

(3) The Director may exercise their discretion to provide assistance for any month within the eligibility period prior to the month in which the need for increased assistance is established, but may not provide assistance for any month prior to the month in which the application for assistance was made.

(4) Notwithstanding anything in this section, if it is determined as a result of an appeal commenced in accordance with the Act that the applicant was incorrectly denied a benefit through no fault of the applicant, the applicant is entitled to be awarded assistance for the entire eligibility period in which assistance was denied.

(5) An increase in assistance may be denied if, in the opinion of the Director, the recipient has, in an unreasonable manner, caused or contributed to the change in the recipient's circumstances.

19. (1) A recipient shall, within 60 days of the change, inform an Officer of any change in the recipient's circumstances that may affect their eligibility or status as a person in need or the amount of assistance determined under subsection 15(1), including (a) a change in family members, assets or residence; or (b) relocation outside the Northwest Territories to receive treatment or medical care.

(2) An Officer shall reassess the eligibility and status of a recipient as a person in need and the determination of the amount of assistance under subsection 15(1) in any of the circumstances listed in subsection (1) and in any other circumstance that the Officer reasonably believes would affect the recipient's eligibility, status or need.

(3) If the need of a recipient for assistance is reduced, the Officer shall take immediate action to reduce the amount of the assistance provided.

(4) Subsection (3) does not apply if the need of a recipient is reduced because the recipient leaves their home community for a temporary period

(a) to receive treatment or medical care; or

(b) in extraordinary circumstances, as may be determined by the Director.

20. (1) Subject to subsection (2), an Officer shall terminate assistance provided to a recipient, and in the case of a family for which one application was filed under subsection 9(2), the Officer shall terminate assistance to that family, if

(a) the recipient has the means available to maintain their family adequately;

(b) the recipient refuses or neglects to utilize all the financial resources that the recipient may access, including but not limited to employment, unemployment or disability benefits or, subject to subsection (5), pension benefits;

(c) the recipient fails to inform the Officer of any change in circumstances as set out in subsection 19(1);

(d) the recipient fails to submit to the Officer the forms and information required to assess continued eligibility for income assistance benefits by

i. the last day of the eligibility period, or

ii. an earlier day specified by the Officer;

(e) the recipient obtains employment resulting in earnings adequate to meet

the needs of their family, but assistance may be continued until receipt of the recipient's first pay cheque; or

(f) subject to subsection (6), the recipient leaves the Northwest Territories for more than three months during an eligibility period.

(2) An Officer who believes that it is appropriate in the circumstances may issue to a recipient referred to in paragraph (1)(c) a formal warning instead of terminating the recipient's assistance under that paragraph.

(3) No more than one warning may be issued under subsection (2) in respect of a failure to provide the information referred to in paragraph (1)(c).

(4) Notwithstanding subsection (3), a second or subsequent warning may be issued if

(a) it has been at least 36 months since the recipient last received a warning under subsection (2); or

(b) the recipient has not been in receipt of assistance during the 12 months preceding the most recent warning.

(5) A recipient is not required to access pension benefits before they are 65 years of age.

(6) A recipient may continue to receive assistance if they leave their home community in the Northwest Territories or leave the Northwest Territories

(a) to receive treatment or medical care

(i) for a period of less than six months during an eligibility period, or

(ii) for a period of more than six months during an eligibility period with the approval of the Director; and

(b) for more than three months during an eligibility period for any reason, with the approval of the Director.

21. (1) Before changing, suspending, reinstating or terminating assistance, an Officer shall, if possible, review the recipient's circumstances with them, or in lieu of this review and with the knowledge of the recipient, make such inquiry and obtain such information as the Officer considers necessary.

(2) An officer shall inform the recipient of the results of any inquiry conducted and the information obtained under subsection (1).

(3) If assistance is changed, suspended, reinstated or terminated, the Officer shall inform the recipient as soon as practicable of such change, suspension, reinstatement or termination and the reasons for it.

## What it Means

Sections 18. through 21. of the Regulations provide information on when and how to increase, decrease, or end an applicant's Income Assistance.

### Change in Needs - Increased Needs

An applicant must provide proof if their eligible needs increase. Once the Client Navigator confirms the increased need, they will complete a reassessment by updating the needs from the month the applicant reports the change. If an applicant does not inform the Client Navigator of the increased need within the application period, a current year reassessment will not be retroactively completed.

> ***Example:*** *An applicant receives notice that their rent is increasing in December. The applicant should notify their Client Navigator and provide a new rent report or lease to support this increase as soon as possible. Once the Client Navigator receives the document, the applicant will be reassessed with the higher rent beginning in December when the increase occurs.*

**Change in Needs - Decreased Needs**
An applicant must advise the Client Navigator within 60 days if their needs decrease. The Client Navigator will complete a reassessment by updating the needs in the month that the decrease occurs.

> ***Example****: The applicant takes on a roommate, the need for rent and utilities assistance will decrease.*

**Change in Household Circumstance**
An applicant must inform the Client Navigator within 60 days when there is a change in the following:

- Home community
- Housing Type
- Housing Situation
- Marital Status
- Relationship status

The Client Navigator will complete a reassessment based on the change.

> **Note:** If there is a change in the number of dependants, the applicant must inform the Client Navigator, however, a current year reassessment may not be required.

**When to Stop Assistance**
The Client Navigator shall stop assistance immediately when an applicant:

- Has the resources (money or goods) to support themself and their dependants
- Has been dishonest to receive assistance, or so that other applicants can receive assistance
  - The Client Navigator must investigate situations where they believe there was intent to be dishonest and submit a request to the Director
  - A refusal for this reason can only be issued with authorization from the Director
- Leaves their home community in the NWT or leaves the NWT
  - An applicant who leaves for treatment or medical care can continue to receive assistance for a period of up to six (6) months to maintain their home and care for their dependants if the home and dependants are in the NWT. An applicant must inform their Client Navigator prior to leaving, the Client Navigator will seek approval from their supervisor to issue benefits.
- Is incarcerated
- Is deceased

**Temporary Travel Outside the NWT**

Applicants must notify the Client Navigator of temporary travel outside of their home community or the NWT. If an applicant leaves the territory for the following reasons, they may continue to receive benefits:

- Medical care or treatment not available in the NWT, or
- Extraordinary circumstances (e.g. death of a family member).

If an applicant leaves for other reasons (such as visiting friends and family), benefits may be refused.

Applicants should apply prior to leaving the NWT, however if they are unable to do so they may still apply to the Income Assistance office in their home community via fax or email. Applicants are required to submit all required documentation and confirmation for the reason for temporary travel.

If the applicant is leaving the territory for treatment or medical under six (6) months or for non-medical reason that is under (3) months, the Client Navigator must seek approval from their supervisor.

If the applicant is leaving the territory for treatment or medical over six (6) months or for non-medical reason that is over three (3) months, the Client Navigator must seek approval from the Director, through their supervisor.

This only applies to applicants residing in a treatment facility and does not apply to applicants who elect to remain in sober living or outpatient programs following their treatment, even if participation requires attendance at meetings or counselling.

> ***Example:*** *An applicant living in sober housing who attends weekly recovery meetings but resides outside a treatment facility is not eligible for benefits.*

If an applicant is travelling within the NWT and is away from their home community for more than three (3) months, the Client Navigator must confirm the applicant's primary place of residence and request approval from their supervisor to determine whether benefit rates should be adjusted.

**Formal Warning**

In cases where an applicant will not or does not declare all the personal or financial information required by the Client Navigator to carry out an assessment, the Client Navigator, through their supervisor, must consult with the Director to determine whether to issue a formal warning or notice of refusal.

If the applicant does not repeat the same offense within a 36-month period, the warning resets and the applicant will be eligible for another formal warning in the future.

**False or Misleading Statements**
Where the Director is confident that an applicant has made a false or misleading statement for the purpose of obtaining assistance for themself or any other person, the applicant is not eligible to receive assistance.

**Changing the Assistance**
Before the Client Navigator can make changes to an applicant's assistance, the Client Navigator, wherever possible, must let the applicant know they are investigating the possibilities of a change. The Client Navigator must explain the change and the reason for the change to the applicant. The Client Navigator must let the applicant know within two (2) business days that their assistance will change.

> **Note:** If an applicant's assistance is refused, their co-applicant and dependant(s) are also disqualified from receiving assistance.

**Termination Period**
Where an applicant's assistance is terminated based on Section 20. (1)(c) of the Regulations, they are not eligible to receive assistance for the month on which their assistance was terminated or the date of discovery.

Where an applicant's assistance is terminated based on Section 5. (1) of the Regulations, they are not eligible to receive assistance for the month that is determined by the Director.

Where an applicant's assistance is terminated based on Sections 20. (1)(c) or 5. (1) of the Regulations, and it was previously terminated under the same section, they are not eligible to receive assistance for two months, unless the termination was 36 months prior. In this case, the termination period is reset.

> **Note:** If an applicant's assistance is terminated, their co-applicant and dependant(s) are also disqualified from receiving assistance.

# Section 2.09: Financial Resources – What Income is Counted?

## The Law

22. (1) In this section, "net annual income" means the amount determined by the formula

(A+E) - (B + C + D)

where,

(a) A is the amount reported on line 23600 of the applicant's relevant notice of assessment or reassessment.
(b) B is the total amount of any social assistance payments made by the Government of the Northwest Territories to the applicant under the Act or any other government program;
(c) C is the total amount of any Canada Disability Benefit or Canada Pension Plan disability benefits paid by the Government of Canada to the applicant; and
(d) D is any allowable income of an applicant, as set out in subsections (4) and (5); and
(e) E is the total amount of any other money considered by the Director to be included as annual income.

(2) In calculating the financial resources of an applicant, an Officer shall, in accordance with these regulations, ascertain the net annual income of the applicant and shall complete an application and make such inquiries as are necessary for the purpose.

(2.1) When an applicant's net annual income has been ascertained under subsection (2), an Officer shall not ascertain the net annual income of the applicant again until the next eligibility period.

(3) For greater certainty, except in subsection (4), a reference to the financial resources of an applicant is a reference to the financial resources of an applicant and their spouse
(a) if the applicant and their spouse reside together; or
(b) if the Director, under subsection 1(2), recognizes a spouse who does not reside with an applicant as included in the definition of "applicant".

(4) Subject to subsection (5), the following is allowable income in each eligibility period:
(a) if the applicant is a senior or person with a disability, up to $6,000 of income received by the senior or person with a disability;
(b) if the applicant is a spouse, up to $6,000 of income received by the spouse.

(5) If the allowable income established under subsection (4) would reduce the applicant's net annual income to less than $0, only the amount sufficient to reduce the applicant's net annual income to $0 is applicable.

## What it Means

Section 22. of the Regulations describes what a Client Navigator should consider as income and include in the calculation of benefits.

Applicants must provide their NOA from the previous calendar year and their bank statements from the previous 60 days to determine eligibility.

The following calculation is used to determine net income:

- **Line 23600** of the NOA or **Net Income** on the T1 Tax form
  - **Less:** Amount of SHHS received from previous calendar year
  - **Less:** Amount of Income Assistance received from previous calendar year

  - **Less:** Amount received for Canada Pension Plan Disability benefits
  - **Less:** Income Exemption
- **Total:** Net income for Income Assistance purposes

**Note:** Each applicant may be eligible for an Income Exemption up to a maximum amount of $6,000.

The Canada Pension Plan Disability Benefit shall be exempt from the calculation of household income. The amount may need to be verified by Employment and Social Development Canada (ESDC).

If the applicant has $75,000 or more combined held in a bank account or other financial institution, they are not considered to be a person in need.

**Net and Gross Income**
Net income is the amount of money after mandatory deductions. Gross income is the amount of money before mandatory deductions.

**Student Financial Assistance (SFA) Benefits and Labour Market Development (LMD) Benefits**
Similar to Income Assistance benefits, the purpose of the Remissible Loan and Supplementary Grant benefits through the SFA program and the LMD living allowance benefits are to assist with an applicant's current month expenses.

An applicant who is receiving SFA and/or LMD benefits must notify the Client Navigator, who will complete a reassessment. The living allowance benefits will be counted as income and included in the calculation of benefits.

SFA and LMD benefits intended to assist with tuition, book, training, and travel expenses are not included in the calculation of benefits as income.

## *Section 2.10: Financial Resources – What Income is Not Counted?*

This section describes the type of income that is not included in the calculation of Income Assistance benefits when completing a reassessment.

**Prior Year Benefits from the Income Assistance Programs or SHHS**
The benefits an applicant received from the Income Assistance programs or SHHS in the prior year will be excluded from the calculation of benefits.

**Canada Disability Benefit**
Income received from the Canada Disability Benefits are excluded from the calculation of benefits. This income is not included in line 15000 – Net Income.

**Canada Pension Plan - Disability**
Income received from the Canada Pension Plan – Disability will be excluded from the calculation of benefits.

**Household Income - 18 Years of Age and Under**
When a dependant is under the age of 19, any income will be excluded from the calculation of benefits.

**Household Income – Mature Dependant**
When a person between 19 and 21 years of age decides to remain as a mature dependant under their parent or legal guardian's application, any income they receive will be excluded from the calculation of benefits.

**Maintenance Order or Child Support**
Applicants are encouraged to apply for maintenance or child support. For reference, the child support table is located at: http://www.justice.gc.ca/eng/fl-df/child-enfant/look-rech.asp.

Maintenance order or child support will be excluded from the calculation of benefits.

**Medical Travel**
The value of an airline ticket and any assistance related to Medical Travel benefits, as well as food received while travelling or hospitalized, issued by Government of the Northwest Territories Medical Travel will be excluded from the calculation of benefits.

**Registered Disability Savings Plans (RDSP)**
A RDSP is a savings plan to help parents or legal guardians and others save for the long-term financial security of a person who is eligible for the disability tax credit.

The funds accumulated in or received from a registered disability savings plan will not be considered as income under the Income Assistance for Seniors and Persons with Disabilities program. Applicants must report these funds.

For further information regarding RDSPs, refer to Canada Revenue Agency's website at: http://www.cra-arc.gc.ca/tx/rgstrd/rdsp/menu-eng.html

**Tuition, Books, Travel and Fees Issued Under SFA and LMA**
The value of any benefit issued for tuition, books, travel and fees received from the SFA program or LMA will be excluded from the calculation of benefits so long as the Client Navigator has obtained a confirmation by way of an email from the Student Case Officer or Career Development Officer.

> **Note:** Living allowance benefits issued from SFA or LMA must be included in the calculation of benefits.

**Other Income – Not Reportable**
Any income that an applicant receives that is not reportable to the Canada Revenue Agency is excluded from the calculation of benefits. Types of income may include but are not limited to, Canada Disability Benefit, monetary gifts from friends and family, bingo or lottery winnings, compensation received through Residential School Settlement or Sixties Scoop Settlement.

## *Section 2.11: Medical Certificate*

### The Law

23. An Officer may, in respect of a recipient receiving assistance as a person with a disability or as the spouse of a person with a disability and in the circumstances listed below, require the recipient to provide a further certificate of a medical professional, in a form approved by the Director, certifying that the applicant or the spouse of the applicant is a person with a disability as defined in subsection 1(1):
    (a) if the Officer requires the certificate to determine the recipient's continuing eligibility for assistance;
    (b) if the Officer reasonably believes that there is an inaccuracy in a certificate previously provided by the recipient.

### What it Means

Section 23. of the Regulations indicates when a medical certificate is required for applicants who are a person with a disability.

**Person with a Disability**

For an applicant to qualify as a person with a disability, they:

- Must provide a **Form D - Disability Assessment** completed by a licensed health care professional that indicates the applicant:
    - Has a permanent disability
    - Has a long-term disability
- Are not required to submit a completed **Form D - Disability Assessment** if they are in one of the following prescribed classes:
    - Receiving a federal disability pension or benefit
    - Received a disability benefit through another approved provincial or territorial disability program within 12 months from the date of application
    - Reside in a Long-Term Care facility or Supported Living facility, as approved by the Director
    - Under the guardianship of the NWT Public Trustee Office, appointed by court order

**Note:** If a disability is considered long-term, the applicant may be required to submit a new **Form D - Disability Assessment** with each application.

## *Section 2.12: Recovery of Assistance – Taking Money Back*

### The Law

24. The Director may recover from a recipient or the estate of a recipient the amount of assistance
    (a) in excess of that authorized by the Act, these regulations or any other regulations made under the Act; or
    (b) to which the recipient was not entitled, but which was granted because of the recipient's failure to disclose income or assets.

### What it Means

Section 24. of the Regulations indicates that the Director may recover Income Assistance given to an applicant if the assistance was more than they were eligible to receive, or if the assistance was given because the applicant made false statements or failed to provide correct information.

**Director's Discretion**

The Regulations give the Director the right to choose whether to recover monies from applicants on a case-by-case basis. The Director has issued a blanket policy that allows the Client Navigator to recover assistance on amounts under $2,500 without Director approval. Any amount exceeding $2,500 must be presented to the Director for approval.

**What is a Debt?**

A debt is money an applicant received above the amount they were entitled to receive.

Security deposits are considered debts; therefore, an applicant must immediately begin repayment of their security deposit. For more information, refer to Section 3.08 of this manual.

**Collection of the Debt**

The minimum amount the Client Navigator can collect from an applicant who has an overpayment as a result of a debt is $25 per month, regardless of the amount outstanding. If an applicant requests that more than $25 be deducted from their Income Assistance benefits per month, they must provide a written and signed request, including the amount they wish to have deducted per month.

If an applicant has an outstanding overpayment and a recoverable need, $25 per debt shall be deducted from their Income Assistance benefits, totalling a $50 minimum deduction per month.

Effective August 1, 2016, Income Assistance assessments with co-applicants will have the debt split 50/50 between each applicant.

If either an applicant wishes to incur 100% of the overpayment debt, that person must provide a written and signed request; including the amount they wish to have deducted per month.

> ***Note:*** *An applicant cannot assign 100% of the debt to the co-applicant. The co-applicant must agree and sign to that effect. If the two (2) applicants do not agree, the default split is 50/50.*

**Time Limit on Recovering a Government Debt**

If a debt was proven to be a result of fraud, there is no time limit for collection of the debt.

> ***Example:*** *In 2018 an applicant living with their common-law partner did not claim their partner when applying for Income Assistance. This fraud was not discovered until five (5) years later, in 2023. The debt is still recoverable.*

A debt invoiced to an applicant that has remained inactive for seven (7) or more years with no effort at collection is barred by Legislation and is not collectable.

> ***Note:*** *The Client Navigator must be careful not to collect money twice when considering recoveries.*

> ***Example:*** *An applicant received Employment Insurance from the Federal Government that they should not have received and did not report. The Federal Government realized the error and began to recover the funds. The Client Navigator must not consider the unreported benefit as an overpayment.*

## *Section 2.13: Voluntary Repayment of Assistance*

### The Law

25. The Director may recover from a recipient or the estate of a recipient the amount of assistance
    (a) in excess of that authorized by the Act, these regulations or any other regulations made under the Act; or
    (b) to which the recipient was not entitled, but which was granted because of the recipient's failure to disclose income or assets.

### What it Means

Section 25. of the Regulations explains how applicants, if they choose to, may repay assistance they received.

**Repayment**

This section refers to applicants who have been receiving assistance for a period-of-time and because that applicant's circumstances have changed; they no longer need assistance. This Regulation allows applicants to pay back some, or all the assistance they received. The Client Navigator can receive the payment but must forward it to their supervisor.

> ***Example:*** *An applicant receives assistance from May to September and then finds employment in October. That applicant can pay back any portion of the assistance they have received during May to September.*

## *Section 2.14: Alienation or Transfer of Assistance – Applicant Owes Money to a Third Party*

### The Law

26. Assistance granted under these regulations is not subject to alienation or transfer by the recipient, or to attachment or seizure in satisfaction of a claim.

### What it Means

Section 26. of the Regulations explains that assistance given to an applicant is for their use only and not something that can be transferred, sold, etc. to a third person. It also states that any assistance received cannot be seized or taken by a third party having a claim against the applicant.

Income Assistance for Seniors and Persons with Disabilities benefits are intended for the applicant's use for basic needs. If the applicant owes money to a third party, this money cannot be used to repay that debt.

> ***Example**: A bank cannot take an applicant's assistance to pay an overdraft or other debt.*

### Notes:

1. When advising applicants about direct deposits as a payment option, the Client Navigator shall always ensure the applicant understands that if they have an outstanding debt with the bank, a maintenance enforcement attachment or a loan/debt that has been sent to a collection agency, the payment may be seized by the bank.

2. Although the Regulations state that Income Assistance cannot be seized, the bank will attempt to recover any deposit made to the account to satisfy the terms of the debt and it can be a lengthy process to get the money back.

3. If this type of situation occurs, the supervisor shall contact the bank in the first instance and explain our Regulations. If this does not result in the applicant receiving their Income Assistance back, the supervisor shall contact the Director.

## SECTION 3: THE SCHEDULE

The Schedule in the Regulations lists the types of benefits that applicants may receive.

The following are some general instructions when administering the benefits.

**Declining Benefits**
If an applicant does not want a benefit that they are entitled to, the Client Navigator must receive written confirmation from the applicant that they decline the benefit.

> ***Example:*** *An applicant chooses not to receive a basic benefit allowance. The applicant must indicate in writing that they do not wish to receive it.*

**Reduction of Benefits**
If an applicant only wants a portion of the benefit that they are entitled to, the Client Navigator must receive written confirmation from the applicant that they only want a portion of the benefit.

## *Section 3.01: Basic Benefit Allowance*

### The Law

1. (1) Base assistance may be provided to an eligible person in need, in accordance with the direction of the Director, in the form of

(a) a basic benefit, not exceeding the amount prescribed in the Maximum Basic Benefit Table set out in this Schedule and corresponding to

(i) the community in which the recipient resides, and

(ii) the number of adults and seniors in the family;

### What it Means

Section 1. (1) (a) of the Schedule sets out the rates of the basic benefit allowance available to the applicant depending on the number of applicants and where the applicant lives. Applicants who reside in room and board accommodations receive the basic benefit allowance under Section 3.02 of this manual.

**Benefit Table**

The applicant's home community determines their benefit amount for the basic benefit. The following is the breakdown of the communities and benefit levels:

| Community | 1 Adult | 2 Adults |
|---|---|---|
| Aklavik | 1,246 | 1,762 |
| Behchokö | 1,023 | 1,443 |
| Colville Lake | 1,330 | 1,881 |
| Délînê | 1,330 | 1,881 |
| Dettah | 866 | 1,157 |
| Enterprise | 1,000 | 1,414 |
| Fort Good Hope | 1,330 | 1,881 |
| Fort Liard | 1,080 | 1,527 |
| Fort McPherson | 1,246 | 1,762 |
| Fort Providence | 1,080 | 1,527 |
| Fort Resolution | 1,013 | 1,414 |
| Fort Simpson | 1,080 | 1,527 |
| Fort Smith | 1,000 | 1,414 |
| Gamètì | 1,021 | 1,443 |
| Hay River | 1,000 | 1,414 |
| Inuvik | 1,246 | 1,762 |
| Jean Marie River | 1,080 | 1,527 |
| Kátł'odeeche | 1,000 | 1,414 |
| Kakisa | 1,080 | 1,527 |
| Łutselk'e | 1,189 | 1,500 |
| Nahanni Butte | 1,091 | 1,527 |
| Ndilô | 866 | 1,157 |
| Norman Wells | 1,330 | 1,881 |
| Paulatuk | 1,291 | 1,762 |
| Sachs Harbour | 1,246 | 1,762 |
| Sambaa K'e | 1,092 | 1,527 |
| Tsiigehtchic | 1,246 | 1,762 |
| Tuktoyaktuk | 1,246 | 1,762 |
| Tulita | 1,330 | 1,881 |
| Ulukhaktok | 1,246 | 1,762 |
| Wekweèktì | 1,143 | 1,443 |
| Whatì | 1,083 | 1,443 |
| Wrigley | 1,113 | 1,527 |
| Yellowknife | 866 | 1,157 |

## *Section 3.02: Room and Board Basic Benefit Allowance*

### The Law

1. (1) Base assistance may be provided to an eligible person in need, in accordance with the direction of the Director, in the form of
    (b) a room and board benefit, not exceeding the amount prescribed in the Maximum Room and Board Benefit Table set out in this Schedule and corresponding to
        (i) the community in which the recipient resides, and
        (ii) the number of adults and seniors in the family.

### What it Means

Section 1. (1) (b) of the Schedule sets out the rates of the basic benefit allowance available to applicants residing in Room and Board and is dependant on the number of applicants and where the applicant lives.

**Social Housing: Waitlist**

Applicants are not required to provide proof that their names are on the low-cost/social housing waitlist; however, the Client Navigator can still encourage applicants to apply.

**Single Applicant**

An amount to cover the cost of Room and Board may be provided to, or on behalf of, an applicant as outlined by the Canada Mortgage Housing Corporation (CMHC).

**Care Facilities**

Applicants who reside in assisted living accommodations, such as special care homes or long-term care facilities, may be eligible for Room and Board.

The Department of Health and Social Services sets annual Room and Board rates in April of each year. The Client Navigator will confirm the rates each year through their supervisor.

**Respite Care Costs**

Applicants who are temporarily accessing respite care may be eligible for Room and Board. The Department of Health and Social Services set these Room and Board rates. The Client Navigator will confirm the rates each year through their supervisor.

**Case-by-Case Basis**

The Director can decide on a case-by-case basis what assistance, if any, an applicant will receive for Room and Board and for how long the assistance will be provided.

**Benefit Table**

The home community in which an applicant resides determines the benefit amount they are eligible for Room and Board. The following is the breakdown of the NWT communities and the benefit amounts:

| Community | 1 Adult | 2 Adults |
|---|---|---|
| Aklavik | 512 | 725 |
| Behchokö | 431 | 605 |
| Colville Lake | 527 | 745 |
| Délînê | 527 | 745 |
| Dettah | 415 | 519 |
| Enterprise | 428 | 605 |
| Fort Good Hope | 527 | 745 |
| Fort Liard | 458 | 647 |
| Fort McPherson | 512 | 725 |
| Fort Providence | 458 | 647 |
| Fort Resolution | 441 | 605 |
| Fort Simpson | 458 | 647 |
| Fort Smith | 428 | 605 |
| Gamètì | 429 | 605 |
| Hay River | 428 | 605 |
| Inuvik | 512 | 725 |
| Jean Marie River | 458 | 647 |
| Kátł'odeeche | 428 | 605 |
| Kakisa | 458 | 647 |
| Łutselk'e | 576 | 643 |
| Nahanni Butte | 469 | 647 |
| Ndilô | 415 | 519 |
| Norman Wells | 527 | 745 |
| Paulatuk | 512 | 725 |
| Sachs Harbour | 557 | 725 |
| Sambaa K'e | 470 | 647 |
| Tsiigehtchic | 512 | 725 |
| Tuktoyaktuk | 512 | 725 |
| Tulita | 527 | 745 |
| Ulukhaktok | 512 | 725 |
| Wekweètì | 551 | 605 |
| Whatì | 491 | 605 |
| Wrigley | 491 | 647 |
| Yellowknife | 415 | 519 |

## *Section 3.03: Accommodation – Rent or Mortgage*

### The Law

2. (1) A rental accommodation allowance up to a maximum amount equal to the actual cost of rental accommodation may, subject to subsections (2) and (3), be provided to an eligible person in need in accordance with the direction of the Director.
(2) No allowance shall be provided under subsection (1) in respect of accommodation in a hotel, motel, hostel or other similar tourist establishment unless the person in need has entered into a lease agreement with the establishment for a self-contained suite; and
the Director considers it appropriate in the circumstances.
(3) If an eligible person in need resides in accommodation for which a subsidy is normally available, the allowance must not exceed the minimum rental rate for the unit.
(4) If an eligible person in need owns their own home, a monthly allowance may be provided which is sufficient to cover current taxes, home insurance and other assessments, but the total allowance must not exceed the rental accommodation allowance that would otherwise be provided.
(5) If an eligible person in need is making mortgage payments on their own home, a monthly allowance may be provided which is sufficient to cover current taxes, mortgage payments, home insurance and other assessments, but
the total allowance must not exceed the rental accommodation allowance which would otherwise be provided; and
no monthly allowance shall be provided to a person in need under this section more than four times in a 36-month period.

### What it Means

Section 2. of the Schedule explains what an applicant can receive as assistance for accommodation. Accommodation includes rent (building and land), mortgage (building and land), taxes and insurance.

**Social Housing: Waitlist**

Applicants are not required to provide proof that their names are on the low-cost/social housing waitlist; however, the Client Navigator can still encourage applicants to apply.

**Accommodation Allowance**

To be eligible for accommodation allowance an applicant must reside in a standard residential structure. In situations where the accommodation allowance is not paid directly to the landlord, the applicant must provide proof of payment before the accommodation allowance can be issued for the following assessment period.

CNOS assesses the bedroom requirements for any given household and provides criteria that determines suitable housing standards. Accommodation allowance will be granted in accordance with the suitable housing standards as determined by CNOS.

***Example**:*

*A couple with one (1) dependant will require a maximum of a two (2) bedroom unit. A single applicant will qualify for a room rental or one (1) bedroom unit.*

**Case-by-Case Basis**
The Director can decide on a case-by-case basis what assistance, if any, an applicant will receive for rent and for how long the assistance will be provided.

**Custody of Child**
An accommodation allowance is not affected by an applicant's arrangement to share custody of a child with another parent or legal guardian.

**Canada NWT Housing Benefit (CNHB)**
If an applicant receives the CNHB from the Housing NWT, the amount is deducted from the applicant's rental cost.

**Housing NWT HELP Unit**
Housing NWT's Homeownership Entry Level Program (HELP) involves tenants leasing units at affordable standardized rental amounts. The tenants are responsible for paying utilities. Within the first four (4) years of leasing, the tenant may purchase the unit, or their rental lease may be extended, however, the rent amount will increase.

If an Income Assistance applicant is a HELP tenant, the rental amount may only be paid if the applicant is on the low-cost/social housing waitlist.

**Social Housing**
Housing NWT considers all income in the household of household members 19 years of age and over, including Income Assistance, when calculating rent. Housing NWT determines rent based on the applicant's income as per line 15000 on the NOA from the previous calendar year.

Housing NWT's social housing rent amounts can be found on their website at: https://www.nwthc.gov.nt.ca/en/services/public-housing-program

Applicants are required to bring their Rent Calculation Sheet to their Client Navigator. In the event that an applicant does not have the Rent Calculation Sheet, the Client Navigator must not issue the accommodation allowance until the Rent Calculation is submitted. The Client Navigator must not withhold issuing Income Assistance for the other benefits.

**Social Housing - Reassessment of Rent Calculation**
If an applicant's income decreased from the previous calendar year, the Client Navigator will refer the applicant back to the LHO to reassess their rent. This may require a reimbursement from the LHO to the Income Assistance Program.

**Voluntarily Vacating/Declining Low-Cost/Social Housing Units**
Applicants who voluntarily vacate or decline a social housing or Low-Cost Housing unit anytime within the previous six (6) months of the current assessment, are not eligible for accommodation allowance above the minimum monthly rent they would be charged if they resided in the low-cost/social housing unit. This is in accordance with Section 20. (1) (b) of

the Income Assistance for Seniors and Persons with Disabilities Regulations which states that applicants must utilize all the financial resources available to them. The subsidized rent available in low-cost/social housing units is considered a financial resource.

If there is a valid reason why an applicant vacated or declined a low-cost/social housing unit, the Client Navigator can request the Director decide, on a case-by-case basis, what assistance the applicant may receive to assist with their rent.

**Market Rent for Families in a Plan of Care**
The accommodation allowance will not be immediately reduced when a child(ren) is apprehended if they are involved in a plan of care with the Department of Health and Social Services if the plan indicates the child(ren) will be returned to the parents or legal guardians.

In cases where the child(ren) will not be returned to the parental home, one (1) full calendar month notice will be given to the applicant before a reduction in accommodation allowance is made. The applicant may be eligible for an accommodation allowance in accordance with the CNOS.

When the applicant resides in low-cost/social housing, they will be placed on a transfer list for an appropriate unit according to CNOS. While waiting for a transfer to the appropriate unit, the applicant would continue to be housed and accommodation allowance will be paid in the larger unit.

**Mortgage**
A Client Navigator may issue mortgage assistance for up to four (4) months within a period of 36 months.

Where a person in need is making mortgage payments on their own home, a monthly allowance may be paid which is sufficient to cover current taxes, interest on a mortgage, principle, insurance and other assessments, but the total allowance for these items must not exceed the accommodation allowance which would otherwise be provided.

Before a person in need receives assistance to pay monthly mortgage payments, they must provide proof that they have negotiated with the bank to either reduce or suspend mortgage payments.

**Payment of Taxes, Insurance and Other Assessments**
An allowance may be paid for taxes, insurance and other assessments. Applicants will receive payment for these types of costs on a monthly basis, regardless of the service provider's payment schedule.

Before a person in need receives assistance to pay current taxes, insurance and other assessments, they should negotiate a monthly payment plan with the service provider. Documentation outlining the payment plan from the service provider must be on file.

**Proof – Home Ownership and Landlords**
Applicants must provide proof that they own their home. A Certificate of Title is the common document to show proof of home ownership.

Applicants who rent a home or apartment must provide proof that their landlord is the owner or rental agency of the unit. This can be a copy of the rental or lease agreement the landlord provides to an applicant.

Applicants who are subletting, as defined in Section 22. (1) of the *Residential Tenancies Act*, must provide proof that they have entered into a subletting agreement with the lessee, along with a copy of the rental or lease agreement the landlord provides to the lessee. The total monthly rental allowance shall not exceed the cost of rent as stated in the rental or lease agreement between the landlord and the lessee.

**Rent Increases**
The *Residential Tenancy Act* only allows for landlords to increase rent in respect of a rental premises after 12 months of the date in which the original lease became effective, or when the landlord has provided the tenant with three months written notice before the rent increase is to be effective. The applicant must provide a copy of the written notice to the Client Navigator before an increase in rent will be approved by the Income Assistance for Seniors and Persons with Disabilities program.

For further information regarding the *Residential Tenancy Act,* refer to the Department of Justice website at: https://www.justice.gov.nt.ca/en/rental-agreements/

**Rent to Children or Parents - Person with a Disability**
If an applicant has a disability that requires living with a caregiver, rent can be paid to an adult child or parent/legal guardian on behalf of the applicant. The adult child or parent/legal guardian must complete a **Form G - Rent Report**.

If the adult child or parent/legal guardian is in low-cost/social housing or a market rental accommodation, the applicant must be added to the lease before an accommodation allowance is provided and utilities are paid by the Income Assistance for Seniors and Persons with Disabilities program.

**Rent to Adult Child – Senior**
Rent can be paid to an adult child on behalf of the applicant if the dwelling is a separate living quarter approved as a secondary suite in accordance with the local municipality. The adult child must have a lease signed with the applicant. If an applicant is unable to provide confirmation of an approved secondary suite, the Client Navigator must seek approval from the Director, through their supervisor, to provide an accommodation allowance.

Rent will not be paid to the adult child on behalf of an applicant when they are living within the same living quarters, owned by the adult child. However, in these cases, the applicant's portion of utilities may be paid on their behalf. If the adult child is in low-cost/social housing

or a market rental accommodation the applicant must be added to the lease before an accommodation allowance is provided and utilities are paid by the Income Assistance for Seniors and Persons with Disabilities program.

**Transient Living Accommodation**
Accommodation allowance may be provided to an applicant who resides in self-contained unit within a hotel, motel, hostel or other tourist establishment, if a lease agreement is provided to the Client Navigator.

Accommodation allowance will not be provided to an applicant who resides in an emergency shelter.

**Unreasonable Accommodation Costs**
Unreasonable Accommodation Costs are defined as 25% more than the published Canada Mortgage Housing Corporation (CMHC) Rental Market Report. The Market Report is published annually and provides information on monthly average rental amounts.

The Client Navigator must seek approval, through their supervisor, from the Director for all cases of unreasonable costs.

## *Section 3.04: Fuel Allowance – Wood, Wood Pellets, Oil, Gas or Propane*

### The Law

3. (1) An allowance may be provided to an eligible person in need for the actual cost of fuel required for a standard residential structure for heating and cooking purposes.

(2) For the purposes of subsection (1), the Director may determine whether a person in need resides in a standard residential structure.
(3) No allowance shall be provided under subsection (1) if the Director has determined that the person in need does not reside in a standard residential structure.

### What it Means

Section 3. of the Schedule explains when a fuel allowance may be provided.

In order to be eligible for the fuel allowance an applicant must be residing in a standard residential structure.

**Issuing the Fuel/Wood Allowance – Renter**

The Client Navigator pays for the actual cost of an applicant's fuel, if the applicant resides in a shared accommodation the Client Navigator pays their portion. The applicant must provide confirmation of rental accommodation requiring payment of additional heating costs, which consists of the following:

- Lease/Rental agreement of a self-contained unit in the Applicant's name and
- Verification that heating costs are not included in the rent

**Issuing the Fuel/Wood Allowance – Homeowner**

The Client Navigator pays for the actual cost of an applicant's fuel, if the applicant resides in a shared accommodation the Client Navigator pays their portion. An applicant who owns their own home must provide proof of home ownership, which consists of one of the following:

- Certificate of Title
- Mortgage documents
- Notice of Assessment Municipal Taxation Area
- Confirmation of homeownership from First Nation Band
- Confirmation of homeownership from the NWT Housing Corporation
- Recreational or Residential Lease documents for Territorial or Commissioner's land from the Department of Lands.

If an applicant is unable to provide proof of homeownership for reasons that are beyond their control, the Client Navigator, through their supervisor, must contact the Director to determine eligibility on a case-by-case basis.

**Method of Payment**
The applicant provides their fuel invoice to the Client Navigator, or the fuel agency issues the invoice directly to the Client Navigator, and the Client Navigator issues the payment.

As the Regulations refer to paying for the actual cost of fuel, a payment other than for the actual cost of fuel can only be considered if the applicant agrees in writing. The actual cost of fuel does not include arrears and/or interest.

Prior to approving a wood benefit, the Client Navigator must confirm the wood supplier has a Commercial Cutting Permit or License on an annual basis. Applicants will be responsible for covering the cost associated with wood supplier delivery fees.

A Timber Export/Transport Permit must be submitted each year to the Client Navigator.

> **Note:** Documentation is not required for wood cut or sold with Tłı̨chǫ territory; however, a valid transport permit is required to deliver wood outside of the Tłı̨chǫ territory. The transport permit must be submitted each year.

For further information, refer to the *Forest Management Regulations* at: https://www.justice.gov.nt.ca/en/files/legislation/forest-management/forest-management.r2.pdf?t1569860414956

If an applicant requires more than one (1) tank of fuel, or two (2) cords of wood, or one (1) skid of wood pellets per month, the Client Navigator must seek approval from the Director to issue additional fuel, wood or wood pellets.

**Payment of Fuel/Propane/Wood/Wood Pellets for Shared Accommodations**
In a shared living accommodation, (e.g., renting a room or has roommates), Applicants may be eligible to receive their portion of heating costs as part of a heating benefits. In situations where two (2) or more applicants in the same household are receiving Income Assistance, and/or Senior Home Heating Subsidy, each applicant is eligible to receive their portion of heating benefits.

Applicants may choose to receive a monthly fuel allowance in litres, one (1) cord of wood, one (1) skid of wood pellets or a portion of the total monthly amount of propane or heating oil required for the household divided by the number of mature adults residing in a household.

**Unreasonable Costs**
If unreasonable costs occur periodically, the Client Navigator must investigate. Unreasonable is defined as 25% more than the monthly average in a community, over a period of three (3) continuous months, or any five (5) month period within a year.

The Client Navigator may also provide less than the actual heating or cooking fuel allowance if the actual cost is higher than the average for the community. Before the Client Navigator

provides benefits for less than the actual cost, the Client Navigator must request that an applicant have a fuel efficiency study done on the house to determine the cause of high fuel costs. Applicants can arrange through Arctic Energy Alliance for a fuel efficiency study to be conducted. The cost to the applicant is $150.

For further information regarding Arctic Energy Alliance, refer to their web site at: http://aea.nt.ca/

The Client Navigator must consult with their supervisor before an applicant's fuel allowance is reduced from the average for the applicant's home community.

## *Section 3.05: Utilities Allowance – Power, Water and Sewer*

### The Law

4. (1) An allowance may be provided to an eligible person in need for the actual cost of power, water, and sewage services required for a standard residential structure.
(2) For the purposes of subsection (1), the Director may determine whether a person in need resides in a standard residential structure.
(3) No allowance shall be provided under subsection (1) if the Director has determined that the person in need does not reside in a standard residential structure.

### What it Means

Section 4. of the Schedule states that an applicant and their dependants can receive assistance to pay for power, water and sewage services.

**Issuing the Utilities Allowance**

The Client Navigator pays for the actual cost of an applicant's power, water, and sewage services. The need is based on the due date of the utility invoice.

> ***Example:*** *If the utility invoice has a payment due date of June 3, 2023, it is included as a need in the July 2022-June 2023 assessment period.*

Once utility invoices have been received, payments must be issued within two (2) business days.

**Method of Payment**

The applicant shall:

- Provide a copy of their utility invoice(s) to the Client Navigator
- Request that the utility agency automatically submit their invoice(s) to the Client Navigator

**Issuing Payment**

Once the utility invoice is received, payment must be made in the month that the utility bill is due.

Payment will be made to the supplier, unless the applicant provides proof of payment, at which time they will be reimbursed.

As the Regulations refer to paying for the actual cost of utilities (power, water and/or sewage), a payment other than the actual cost of utilities can only be considered if the applicant agrees in writing.

The actual cost does not include arrears or interest on those arrears.

**Unreasonable Costs**
If unreasonable costs occur, the Client Navigator must investigate. Unreasonable is defined as 25% more than the monthly average in a community, over a period of three (3) continuous months, or any five (5) month period within a year. The Client Navigator must consult with their supervisor to determine the monthly average in the applicant's home community.

If the supervisor determines that unreasonable costs have occurred, the Director must be consulted for further direction.

**Name on Utility Invoice**
The name on the utility invoice must be the applicant, the registered landlord or the homeowner for the Client Navigator to pay the utility costs.

If the applicant's name is on the lease and they are sharing an accommodation with other leaseholders, so long as the utility bill is in one (1) of the leaseholders' names, the applicant's portion can be paid.

> ***Example:*** *If there are two (2) people living in the accommodation, the cost of utilities is divided by two (2), and the Client Navigator pays for the applicant's portion.*

**Utility Payments in Homes with Home-Based Businesses**
When an applicant operates a business out of their residence or resides in a home with a business, only the applicant's portion of the utility costs that relate to personal residential use may be considered a need under Income Assistance. The business portion of utility expenses is not considered a need.

# *Section 3.06: Bridge Benefit*

## The Law

5. If an eligible person in need has had a child and is not yet in receipt of a Canada child benefit within the meaning of the *Income Tax Act* (Canada), a monthly allowance may be provided
   (a) for a period of no more than two months; and
   (b) in an amount determined by the Director

5.1. If an eligible person in need has a mature child and is no longer in receipt of a Canada child benefit within the meaning of the Income Tax Act (Canada) for that child, a monthly allowance may be provided
   (a) until the mature child is an adult; and
   (b) in an amount determined by the Director.

## What it Means

Section 5. of the Schedule allows an applicant to receive assistance for a newborn child or for an 18-year-old child who is not receiving the Canada Child Benefit.

### Newborns

The bridge benefit is intended to assist parents or legal guardians of newborns. The bridge benefit will be approved for one (1) month only, within two (2) months from the newborns date of birth. To be eligible for the bridge benefit, the applicant must:

- Provide confirmation they have applied for Canada Child Benefit
- Provide proof of birth documentation

### Mature Children

The bridge benefit is intended to assist parents or legal guardians of 18-year-olds who are no longer in receipt of the Canada Child Benefit for that child.

### Benefit Table

The following is the amount of bridge benefit an applicant is eligible for depending on their home community:

| Community | Colville Lake<br>Délı̨ne<br>Fort Good Hope<br>Norman Wells<br>Tulita | Aklavik<br>Inuvik<br>Paulatuk<br>Sachs Harbour<br>Tsiigehtchic<br>Tuktoyaktuk<br>Ulukhaktok<br>Fort McPherson | Fort Liard<br>Fort Providence<br>Fort Simpson<br>Wrigley<br>Jean Marie River<br>Kakisa<br>Nahanni Butte<br>Sambaa K'e | Behchoko<br>Gamètì<br>Łutsel K'e<br>Wekweètì<br>Whatì | Enterprise<br>Fort Resolution<br>Fort Smith<br>Hay River<br>K’atl’odeeche | Dettah<br>Ndilǫ<br>Yellowknife |
|---|---|---|---|---|---|---|
| **1 Adult** | 143 | 151 | 142 | 128 | 133 | 122 |
| **2 Adults** | 201 | 214 | 201 | 182 | 189 | 172 |

# *Section 3.07: Expenses for Primary, Secondary and Post-Secondary Education and Other Training*

## The Law

6. An allowance may be provided, in accordance with the direction of the Director, for the following expenses incidental to the primary or secondary education or other training of a child or a mature child who is a dependant of an eligible person in need:

(a) transportation;
(b) textbooks and supplies;
(c) annual school fees;
(d) tuition.

7. (1) In this item,

"approved institution" means an approved institution as defined in subsection 1(1) of the *Student Financial Assistance Regulations*;

"full-time student" means a full-time student as defined in subsection 1(1) of the *Student Financial Assistance Regulations*;

"program of studies" means a program of studies as defined in subsection 1(1) of the *Student Financial Assistance Regulations*;

"semester" means a semester as defined in subsection 1(1) of the *Student Financial Assistance Regulations*;

"*Student Financial Assistance Regulations*" means the *Student Financial Assistance Regulations* made under the *Student Financial Assistance Act*.

(2) Assistance in the form of a tuition allowance may be provided to an eligible person in need, for the payment of tuition for the person or their dependant, to a maximum amount described in subitem (3) for a semester, if

(a) the person in need or their dependant is enrolled as a full-time student at an approved institution in a program of studies approved by the Director;
(b) the person who is enrolled as a full-time student is not eligible for student financial assistance under the *Student Financial Assistance Regulations* and the ineligibility is not the result of the application of section 35.2 of those regulations; and
(c) the person who is enrolled as a full-time student has been ordinarily resident in the Northwest Territories for a continuous period of 12 months immediately before the day on which the semester begins.

(3) The maximum amount of an allowance under subitem (2) is equivalent to the maximum amount of a grant approved by the Deputy Minister in respect of tuition and fees under subparagraph 7(a)(i) of the *Student Financial Assistance Regulations*.

(4) Assistance in the form of a book allowance may be provided to an eligible person in need, for the purchase of books for the person or their dependant, to a maximum amount described in subitem (5) for a semester, if the person in need receives a tuition allowance for themselves or their dependant under subitem (2).

(5) The maximum amount of an allowance under subitem (4) is equivalent to the maximum amount of a grant approved by the Deputy Minister for books under subparagraph 7(a)(ii) of the *Student Financial Assistance Regulations*.

## What it Means

Sections 6. and 7. of the Schedule explain what type of assistance an applicant can receive for primary, secondary, or training education or for post-secondary expenses.

### Custody of a Child

Educational allowance is affected by an applicant's arrangement to share custody of a child(ren) with another parent or legal guardian. Educational expenses should be shared with the other parent or legal guardian depending on the custody arrangement. (always round up when dividing).

**Determination of Education Expenses**
The Client Navigator should contact the school(s) at the end of the academic year and obtain the school supply list for each grade. The Client Navigator will price the list at the least expensive store within each community. The school supply lists will be used to determine the amount of assistance that may be provided to applicants for their dependant(s).

Applicants requesting education benefits for their dependants must provide a valid school registration letter confirming the dependant(s) enrolment. Eligible applicants will receive a lump sum payment based on their needs, which may be issued in September or in the month of enrolment.

> **Note:** If an applicant relocates to another community in January and the dependant is enrolled in school, they will be eligible for the education allowance.

**Exempt from Expenses**
The Income Assistance for Seniors and Persons with Disabilities program does not pay for expenses that have already been paid for by another organization.

> ***Example:*** *A First Nations group may provide money for a child(ren)'s bus pass.*

**Primary, Secondary and Training Education Expenses for Children**
An applicant may receive benefits for their dependant(s) in Junior Kindergarten to Grade 12 to assist with the following education expenses:

- Backpack
- Transportation (bus pass only)
- Textbooks
- School supplies (pencils and pens, paper, binders, rulers, markers, erasers, geometry sets, etc.)
- Annual school fees (locker fees, etc.)
- Tuition (Client Navigator should speak with their supervisor)
- Running shoes, required musical instruments or special clothing
- Training (fees associated with special courses or if the dependant is in post-secondary training)

**Tuition and Book Allowances for Post-Secondary Education**
The applicant and/or one of their dependants must meet the requirements of the following definitions under the SFA Regulations: approved Institution, full-time student, program of studies and semester.

If the applicant or their dependant is not eligible for assistance through the SFA program, they may be eligible for an allowance for tuition and books through the Income Assistance for Seniors and Persons with Disabilities program if they are attending a post-secondary program at an approved post-secondary institution, as defined by the SFA Regulations. The allowance cannot exceed the level of benefits they would receive through the SFA program.

The Client Navigator, through their supervisor, must contact the Director for approval for tuition and book allowance.

**Resident of the NWT**

An applicant who has not been a permanent resident of the NWT for 12 continuous months may be eligible for post-secondary assistance from another province or territory in Canada or from their home country. If the applicant is denied, they must provide the denial letter to the Client Navigator before the Client Navigator can issue benefits through the Income Assistance for Seniors and Persons with Disabilities program. If an applicant is eligible for post-secondary assistance from another jurisdiction, that assistance must be taken into consideration when a financial review is completed.

**Other Financial Resources**

Applicants may be eligible for funding through Employment Insurance, LMD, Non-Government Organizations or other sources. Indigenous applicants may also be eligible to receive post-secondary assistance through the Indigenous Skills and Employment Training Strategy (ISETS).

Applicants must first apply to the other agencies responsible for funding and provide the amount of approved funding or a denial letter before the Client Navigator can issue benefits through the Income Assistance for Seniors and Persons with Disabilities program.

**How the Expense is Paid**

Book allowance will be provided upon receipt of book expenses. The maximum allowance for a book allowance is $700 for non-Indigenous residents and $875 for Northern Indigenous residents.

Book allowance is only provided if the applicant is receiving tuition allowance through the Income Assistance for Seniors and Persons with Disabilities program.

## *Section 3.08: Security Deposits – Rent or Utilities*

### The Law

8. (1) Assistance may be provided to an eligible person in need for the payment of a security deposit if one is required for the provision of accommodations or utilities to the recipient.
(2) The Director may recover from a recipient, in monthly instalments in amounts determined by the Director, the amount of assistance provided to the recipient under subitem (1).
(3) A recipient must repay the total amount of assistance that the recipient receives for the payment of a security deposit

(a) when the landlord or utility provider refunds the security deposit or a part of the security deposit to the recipient;
(b) when the security deposit is forfeited under the terms of the agreement between the landlord or utility provider and the recipient under which the security deposit was paid; or
(c) when the recipient is no longer in receipt of assistance.

### What it Means

Section 8. of the Schedule explains when an applicant can receive assistance for a security deposit for accommodations or utilities and how a Client Navigator will recover the funds.

**Payment of a Security Deposit**

- Accommodation: The Residential Tenancy Act allows the payment of a security deposit to take place over a three (3) month period as follows:
  - 50% of the deposit is due with the first month's rent,
  - 25% of the deposit is due with the second month's rent, and
  - 25% of the deposit is due with the third month's rent.

  ***Example:*** *An applicant moves into a rental unit on September 1st and requires a $1,000 security deposit:*
  1. *$500 (50%) is paid in September*
  2. *$250 (25%) is paid in October*
  3. *The remaining $250 (25%) is paid in November*

  *The amounts will be reflected within the signed* ***Security Deposit Refund Agreement Form****.*

- Utilities: Security deposits must be provided to applicants as required by the utility provider. The name on the security deposit request must be the applicant/co-applicant in order for the Client Navigator to pay the deposit. 100% of the applicant's portion of the utility security deposit will be paid in the month the account is opened.

**Repayment of the Security Deposit**

Applicants must begin repaying their security deposit (utilities and accommodation) the month after the security deposit is paid to the supplier and/or landlord. The applicant must repay a minimum of $25 per month until the total amount of security deposit paid by the Income Assistance is repaid to the Government of Northwest Territories.

In the event an applicant has repaid the full amount of the security deposit, the Client Navigator will not count the refund that is issued to the applicant for the previously collected upon security deposit(s).

In the event an applicant has not repaid the full amount of the security deposit, the Client Navigator must count the refund amount as income.

**More than One Security Deposit**
If an applicant requires a second or subsequent security deposit for rent or utilities, the Client Navigator can issue the benefit with approval from the supervisor.

The Client Navigator, through their supervisor, must seek approval from the Director prior to issuing a second or subsequent security deposit if the applicant is making the request within a year of the previous deposit and there is no confirmation of the following:

- The applicant receiving their current security deposit back
- The landlord keeping the security deposit for tenant damage

## *Section 3.09: Emergency Allowance*

### The Law

9. (1) Emergency assistance may be provided, in accordance with the direction of the Director, to a recipient if they are unable to sustain their family or any member of their family due to an emergency.
(2) For the purposes of subsection (1), the following circumstances constitute an emergency: (a) where a recipient has lost or is unable to reside in their home due to a disaster, including a flood, fire, landslide or earthquake; (b) where a recipient has left their residence to escape family violence, as defined in section 1 of the Protection Against Family Violence Act; (c) any other circumstances that the Director determines constitute an emergency.
(3) For greater certainty, the following circumstances do not constitute an emergency:

(a) where a recipient has failed to meet their obligations to continue to be eligible for assistance under these regulations or the *Income Assistance Regulations*, regardless of the reason;

(b) where a recipient has a budget deficit or a budget surplus that is inadequate, due to the recipient

(i) being ineligible to receive assistance under these regulations or the *Income Assistance Regulations*, or

(ii) having their assistance terminated under these regulations or the *Income Assistance Regulations*.

### What it Means

Section 9. of the Schedule states that an applicant may receive an emergency allowance if the need exists.

The emergency allowance is provided to applicants who are eligible for Income Assistance for Seniors and Persons with Disabilities.

The current rates for the emergency allowance are:

- Single: Up to $500
- Family: Up to $1,000
- Case-by-case as approved by the Director

**Director Approval**

The Client Navigator must seek approval, through their supervisor, from the Director before issuing emergency assistance. Emergency allowance may be provided for the following reasons:

- Loss of a home due to a disaster (flood, fire, landslide or earthquake)
- Family violence
- Other potential emergencies, as determined by the Director

## *Section 3.10: Child Care Allowance*

### The Law

10. A child care benefit may be provided to an eligible person in need in accordance with the direction of the Director.

### What it Means

Section 10. of the Schedule allows an applicant to receive assistance for child care expenses.

**Eligibility**

In order to receive a child care benefit, the applicant must have the child(ren) enrolled in an Early Learning and Child Care Facility as defined in the Child Care Act.

The cost of camps during school breaks is an eligible expense for the child care benefit.

In situations where an applicant is requesting a child care benefit for a casual or occasional babysitting arrangement, the applicant must provide supporting information that supports the need. The Client Navigator must seek approval from the Director.

In order to be eligible for the child care benefit, applicants must:

- Require assistance with child care for children under the age of 13
- Provide an invoice from the child care provider
- Provide receipts showing child care services have been paid, if the provider is not paid directly, for continued eligibility

For further information regarding the *Early Learning and Child Care Act*, refer to their web site at:
https://www.justice.gov.nt.ca/en/files/legislation/early-learning-and-childcare/early-learning-and-childcare.a.pdf

**Custody of a Child**

Child care benefits are affected by an applicant's arrangement to share custody of a child with another parent or legal guardian. Child care benefits should only be issued for the time an applicant has custody of the dependant(s).

**Non-Attendance**

There will be no deduction from the child care payment for non-attendance by the child if the provider charges for the days missed.

**Payment of Child Care**
Applicants are responsible for providing all supporting documentation, paying their child care provider (or opt for direct payments to applicant or provider) and providing monthly payment receipts

Child care providers may be paid in advance, however, receipt of payment must be provided the following month before additional benefits will be issued

**Daily Rates**
The daily rates must not exceed the following:

- $50 per day, per child for child care
- $15 per day, per child for afterschool care

The Client Navigator must seek approval from the Director, through their supervisor, to pay for rates above the approved daily rate.

> **Note:** The Child Care Fee Reduction Subsidy provides funding to licensed early learning and child care programs to reduce fees charged to families. Applicants should be encouraged to seek a licensed child care operator. Payments to licensed child care operators cannot exceed the subsidized amount.

**Child Care Providers – Under 16**
In accordance with *Employment Standards*, child care providers may be under 16 years of age if the care is provided after school hours, evenings not between the hours of 11:00 pm to 7:00 am, weekends and school holidays. Child care providers under 16 years of age cannot be paid at any other time.

The cost of camps during school breaks is an eligible expense for the child care benefit.

**Preschool Programs**
Preschool/Pre-Kindergarten programs with extended care are licensed child care based out of a school. The applicant's invoice may be broken down in to two (2) parts:

- One (1) fee for the hours during Junior Kindergarten to Grade12
- An additional fee for extended care, outside school hours

## *Section 3.11: Record Suspension Application Fees*

### The Law

11. (1) In this item, "application for a record suspension" means an application, by an individual convicted of an offence under an Act of Parliament, for a record suspension in respect of that offence, under the *Criminal Records Act* (Canada).

(2) Assistance may be provided to an eligible person in need for the payment of any fees required for an application for a record suspension.

### What it Means

Section 11. of the Schedule means that applicants are eligible to receive assistance towards the payment of any fees for application for a Record Suspension.

Persons with a criminal record may apply to the Parole Board of Canada to obtain a record of suspension (formally known as a Pardon). A record of suspension allows people with a criminal record to have it set aside. This helps them access employment and educational opportunities.

**Eligibility**

In order to be eligible for a Record Suspension Application Fee, an applicant must have:

- Demonstrated that they are eligible for assistance and received payment for benefits prior to including the Record Suspension Application Fee in their assessment
- Completed their sentence (including parole) and have paid any fine or financial penalty
- Completed any probationary period
- Have served a required waiting period
- Demonstrated that they are a law-abiding citizen

**Payment of Record Suspension Fees**

The benefit includes:

- $25.00 cost of obtaining a Certified Copy of a Criminal Record from the RCM
- $644.88 Application Processing Fee charged by the Parole Board of Canada
- Applicants requesting reimbursement for additional fees related to their application for record suspension are responsible for providing supporting documentation and paid invoices and/or receipts

**Notes:**

1. The $50.00 fee charged by the RCMP is for fingerprinting purposes. There are currently no additional fees charged for further court or police checks in the NWT.
2. As per the Income Assistance for Seniors and Persons with Disabilities Regulations, assistance may be provided for the payment of any fees required for an application for a record suspension.

3. For further information regarding how to apply to the Canada Parole board, refer to their web site at: https://www.canada.ca/en/parole-board//record-suspensions/official-pbc-application-guide-and-forms.html

# SECTION 4: SOCIAL ASSISTANCE APPEALS REGULATIONS

## *Section 4.01: Interpretations and Application*

### The Law

1. (1) In these Regulations,
"appeal panel" means a panel of an appeal committee or of the Appeal Board, as the case may be, constituted under the Act to hear an appeal;
"appellant" means the party that files an application to appeal with the Registrar under section 6 ;
"Officer" means a Social Welfare Officer appointed under section 4 of the Act;
"Registrar" means the person designated to act as a registrar under section 3;
"respondent" means the responding party named in an application to appeal.
(2) In these regulations, the parties to an appeal are,
(a) in respect of an appeal to an appeal committee under subsection 6(2),
(i) the applicant for or recipient of assistance entitled to appeal the decision of an Officer or of the Director; and
(ii) the respondent; and
(b) in respect of an appeal to the Appeal Board under subsection 6(3),
(i) the applicant for or recipient of assistance or the Director, as the case may be, entitled to appeal the finding of an appeal committee, and
(ii) the respondent.

### What it Means

Section 1. of the Regulations provides the exact meaning of some of the words that are used for appeals.

**Definitions**
For the purpose of this section, the meanings of some additional words are:

**Appellant**
The person applying for a reversal of a decision.

**Days**
Taken from the Interpretation Act, days are calendar days except those that are defined as holidays, which are New Year's Day, Good Friday, Easter Monday, Victoria Day, National Aboriginal Day, Canada Day, National Day for Truth and Reconciliation, the first Monday in August, Labour Day, Remembrance Day, Christmas Day, Boxing Day and any day appointed as a general holiday. Thanksgiving Day is a general holiday as per the Interpretation Act.

**Appeal Package**
Includes a cover letter prepared by the Registrar, an appeal summary, **Form O - Application to Appeal**, notice of refusal, all documents that apply to the appeal, the applicable legislation.

**Representative**
Any person that the appellant has chosen to assist and/or represent them during the appeal process**.**

**Respondent**
The responding party named in an appeal.

**Quorum**
Three members of an appeal panel constitute a quorum**.**

**Natural Justice**
Allowing an applicant the right to a fair and unbiased hearing with reasonable opportunity to present their case.

## *Section 4.02: The Players in an Appeal*

### The Law

2. These regulations apply to the proceedings of an appeal panel.

3. (1) The Minister shall designate a senior officer of the Department of Education, Culture and Employment to serve as Registrar for the appeal committees and the Appeal Board.
(2) The Registrar shall perform the duties as set out in these regulations.

25. (1) Subject to subsection (2), a majority of appeal panel members participating in the hearing of an appeal panel must agree before a finding or decision, as the case may be, is issued.
(2) The chairperson of an appeal panel is only entitled to a vote if majority agreement cannot be reached by the other panel members.

29. A municipal council, a housing authority or other local body may make recommendations to the Minster respecting appointments to an appeal committee.

30. Three members constitute a quorum of an appeal committee.

### What it Means

Sections 2. 3. 25. 29. and 30. of the Regulations provides information on who is responsible for conducting the appeals.

**Registrar**

The Minister assigns a senior officer within ECE to act as Registrar to the Social Assistance Appeal Committee and the Social Assistance Appeal Board.

The Registrar assists Social Assistance Appeal Committee and Social Assistance Appeal Board in the setting up and operation of appeals and is responsible for a number of other duties as set out in the Regulations but should not attend the hearings and cannot vote.

**Social Assistance Appeal Committee (SAAC)**

The Minister is required to create regional SAACs to hear Income Assistance appeals.

A municipal council, LHO and/or other local body or organization can make recommendations as to who should be on the SAAC to the Minister. The Minister may consider these recommendations when making a decision regarding appointments to the SAAC. No official from ECE is eligible for appointment to the SAAC.

The SAAC must be composed of not fewer than three (3) and not more than eight (8) members. When hearing an appeal, a quorum of three (3) members must be present. If a quorum is not reached, the hearing is rescheduled.

The Chairperson of the SAAC only votes when a majority decision cannot be reached by the other members.

SAAC members are appointed for a term, or any length, that is decided upon by the Minister.

**Social Assistance Appeal Board (SAAB)**
The SAAB is established to hear appeals from decisions made by the SAAC.

A municipal council, LHO and/or other local body or organization can make recommendations as to who should be on the SAAB to the Minister. The Minister may consider the recommendations when making a decision to appoint a person to the SAAB. No official from ECE is eligible for appointment to the SAAB.

The SAAB must be composed of a chairperson, a vice-chairperson and not fewer than three (3) other members appointed by the Minister. A SAAB member is appointed for two (2) years.

When hearing an appeal, a quorum of three (3) members must be present. If a quorum is not reached, the hearing is rescheduled.

# *Section 4.03: Commencing an Appeal*

## The Law

4. (1) A person entitled under subsection 8(1) of the Act to appeal a decision of an Officer or the Director, must,

(a) be notified in writing of the entitlement to appeal; and

(b) on request, be provided with clear instructions respecting appeal procedures.

(2) A person entitled to appeal a decision of an Officer or the Director may appeal the decision within seven days after receiving it to the appeal committee established or continued for the community in which the person resides.

(3) A person entitled under subsection 8(3) of the Act to appeal the finding of an appeal committee may appeal the finding to the Appeal Board within seven days after receiving it.

(4) A person is deemed to have received a decision of an Officer or the Director, or a finding of an appeal committee

(a) on the second day after the document is sent by fax or email; or

(b) on the sixth day after the document is mailed.

5. (1) A party to an appeal may be unrepresented or may be represented by legal counsel, an agent, a dependant or any other person.

(2) The representative of a party may act on behalf of the party in exercising any rights and performing any duties provided for in these regulations

6. (1) An appeal shall be commenced by filing with the Registrar an application to appeal, in a form approved by the Director

(2) An application to appeal may be filed by the appellant or the appellant's representative, in person, by courier, by fax or by email.

(2.1) An applicant to appeal is deemed to be filed

(a) on the day of personal delivery or delivery by courier;

(b) on the day the email or fax is sent; or

(c) on the day that a document sent by mail is postmarked by the Canada Post Corporation.

(3) An application to appeal filed by a representative must be accompanied by a signed statement of the appellant attesting to the authority of the representative to act on the appellant's behalf.

(4) An application to appeal must include the following information:

(a) the name, address and phone number of the appellant;

(b) if the appellant has a representative, the name, address, and phone number of the representative;

(c) an address for service;

(d) the decision of the Officer or Director or the finding of an appeal committee, as the case may be, that is being appealed;

(e) the grounds for the appeal;

(f) all information necessary for the appeal panel hearing the appeal to understand the issues raised in the appeal.

(5) If an appellant is unable to make the application to appeal in writing, an Officer shall assist the appellant or refer them to a person who may assist in the preparation of the application to appeal.

7. (1) The Registrar shall provide the respondent with the application to appeal, and shall indicate the deadline by which the respondent may provide a response to the application to appeal.

(2) A response may be filed by the respondent or the respondent's representative, in person, by mail, by courier, by fax, or by email.

(2.1) A response is deemed to be filed

(a) on the day of personal delivery or delivery by courier;

(b) on the day the email or fax is sent; or

(c) on the day that a document sent by mail is postmarked by the Canada Post Corporation

(3) A response filed by a representative must be accompanied by a signed statement of the respondent attesting to the authority of the representative to act on the respondent's behalf.

8. (1) For each appeal, the Registrar shall prepare an appeal package including the application to appeal and the response.

(2) The Registrar shall ensure that the appeal package is provided to the parties and to the appeal panel as soon as is practicable

(3) The appeal panel may, prior to the hearing of an appeal and through the auspices of the Registrar, request additional information from the parties respecting the information contained in the appeal package.

9. An appellant may withdraw an appeal at any time before the hearing of the appeal by notifying the Registrar in writing.

**What it Means**

Sections 4. through 9. of the Regulations ensure that applicants are entitled to a fair and reasonable assessment of their needs and appropriate assistance. If an applicant does not agree with a Client Navigators and/or Director's decision, they can appeal the decision. It is the Client Navigators responsibility to notify the applicant, in writing, of their right to appeal.

Applicants must file their appeal with the appeal committee established for the community in which the person resides within seven (7) days of receiving the Client Navigators decision.

**Notes:**

- You do not count the date the Notice of Refusal was issued
- You do not count statutory holidays
  - If the statutory holiday falls on a Saturday – you do not count that Saturday
  - If the statutory holiday falls on a Sunday – you do not count that Sunday

***Example:*** *A Notice of Refusal was sent on December 14 by:*

- *Mail - applicants have until December 29 to submit an appeal*
- *Email or Fax - applicants have until December 23 to submit an appeal*

**Deemed Receipt of Decision**

A decision of a Client Navigator, the Director, or an appeal committee is deemed to have been received after:

- Six (6) calendar days if the decision was sent by mail
- Two (2) calendar days if sent my e-mail or fax

In practice, the applicant may submit the appeal to the local ECE Service Centre who will forward the application to the Registrar.

The applicant, someone on behalf of the applicant, the Client Navigator or someone the Client Navigator has referred the applicant to, may appeal on behalf of the applicant.

The Client Navigator will prepare an appeal package that will be forwarded to the Registrar. Once the SAAC and applicant have agreed on a date, a copy of the appeal package will be provided to all attending.

If an applicant chooses to withdraw their appeal, they must do so in writing.

# *Section 4.04: Location, Time and Manner of the Appeal*

## The Law

10. (1) Subject to subsection (3), within 30 days after the filing of an application to appeal a decision of an Officer or the Director, the appeal committee hearing the appeal shall hold an appeal hearing.
(2) Subject to subsection (3), within 45 days after the filing of an application to appeal a finding of an appeal committee, the Appeal Board shall hold an appeal hearing.
(3) The time for the hearing of an appeal may be extended by an appeal panel to the extent required to account for any extensions or adjournments granted under the authority of these regulations, provided that
(a) the party to the appeal who is the applicant for or the recipient of assistance consents to the extension; and
(b) the time for hearing the appeal and issuing a finding or decision does not exceed
(i) in the case of an appeal to an appeal committee, 60 days after the day the application to appeal is filed, or
(ii) in the case of the Appeal Board, 90 days after the day the application to appeal is filed
(4) Written findings of an appeal panel with reasons must be issued within 10 days of the conclusion of the hearing.

11. An appeal conducted under these regulations must be conducted
(a) to the extent possible, in an informal and non-adversarial manner; and
(b) fairly and impartially and in accordance with the rules of natural justice.

12. (1) An appeal may proceed by oral hearing, or by written submission, if so requested by the applicant or recipient of assistance.
(2) An appeal or oral hearing may be conducted in person or by video, electronic or telephone conference.
(3) An appeal panel shall hear an appeal using the most practical, cost-effective and expeditious method available.

13. (1) Subject to subsection (2), the Registrar shall ensure that the parties are notified at least five days before the hearing as to
(a) the method by which the appeal will be heard;
(b) the time, date, and location of the hearing;
(c) deadlines respecting the filing of submissions and evidence; and
(d) any other preliminary information the appeal panel may direct the Registrar to provide.
(2) If the parties and the appeal panel hearing the appeal agree to expedite the hearing of an appeal, the time requirement set out in subsection (1) may be abridged.

## What it Means

Sections 10. through 13. of the Regulations explains when an appeal must take place and the different methods of holding a hearing.

The SAAC must hold a hearing within 30 days after a notice of appeal is filed.

The SAAB must hold a hearing within 45 days after the filing of an application to appeal a finding of the SAAC.

This period may only be extended by an appeal panel if the following stipulations are met:

- The party who is the applicant for or recipient of assistance consents
- The time for hearing the appeal and issuing a decision does not exceed
  - 60 days in the case of an appeal to the SAAC
  - 90 days in the case of an appeal to the SAAB

Appeals may proceed by either an oral hearing, or by written submission if requested by the appellant. Oral hearings can be conducted in person or by video, electronic or telephone conference.

An appeal must take place by using the most practical, cost-effective method available.

> ***Example:*** *If all parties in the appeal are not in the same location, a teleconference will be the most economical method.*

The Registrar will ensure that all parties of an appeal are notified at least five (5) days before a hearing with the following:

- How the appeal will be heard (oral or written)
- The time, date and location of the hearing
- Any other information the SAAC or SAAB have directed the Registrar to provide

# *Section 4.05: Procedural Matters*

## The Law

14. (1) Subject to subsection 11, an appeal panel may, in respect of a particular appeal, issue directions on procedure to the parties to supplement these regulations.
(2) a party may, at any time, apply to the appeal panel for a direction on procedure.
(3) When there is a conflict between these regulations and the direction on a procedure, the regulations prevail.

15. An appeal panel is not bound by the laws of evidence applicable to judicial proceedings and may, at the hearing of an appeal, receive evidence in such manner as it considers appropriate.

16. (1) Subject to section 10, during the course of an appeal, an appeal panel may, in its discretion, adjourn or reschedule the hearing of an appeal.
(2) A party may, at any time, apply to the appeal panel for an adjournment.
(3) Subsections (1) and (2) are not applicable to any hearing that has already been rescheduled or adjourned under this section.

17. An appeal panel may issue such interim orders preceding or during the appeal as may be necessary to resolve the appeal.

18. (1) Subject to this section, an oral hearing shall be conducted in private and only the parties and their representatives, if any, may be present.
(2) Subject to the appeal panel's discretion, a party may bring such family members, friends and other persons they wish to a hearing, but these persons may not participate in the hearing.
(3) A party shall identify to the appeal panel any persons accompanying the party before the hearing begins.
(4) A person, including a party, who is disruptive during a hearing may be removed from the hearing room or disconnected from the video, electronic or telephone conference.
(5) A person, including a party, who is abusive to the appeal panel or staff, may have their access to the members or staff restricted.

19. (1) Each party shall be given an opportunity to present their case at an oral hearing, including the opportunity to

(a) make an opening statement at the beginning of the hearing;
(b) present evidence and examine witnesses relevant to the appeal;
(c) cross-examine witnesses of another party; and
(d) make a closing statement summarizing their case.

(2) An appeal panel member may ask questions during the hearing that they consider necessary to ensure that the facts, and the case of each party, are fully before the appeal panel.
(3) The appeal panel may, during the hearing, require a party to provide any documents and other information relevant to the appeal.

20. (1) Subject to the appeal panel's discretion, a party is deemed to have waived the right to receive and respond to submissions or evidence presented during an oral hearing if the party receives notice of the hearing and fails to attend.
(2) Subject to subsection (2.1), if a party is absent from a hearing, the appeal panel may

(i) proceed without the party; or
(ii) reschedule the hearing.

(2.1) If a party is absent from a hearing that was previously rescheduled under subsection (2), the appeal panel shall proceed without the party.
(3) The appeal panel may take such steps or make such decisions as it considers just and reasonable if a party is absent from a hearing.
(4) The appeal panel may request post-hearing submissions from a party who did not attend the hearing, if the appeal panel requires such submissions to resolve the appeal.
(5) The appeal panel may request a response from any other party to post-hearing submissions referred to in subsection (4).

21. (1) If an appeal is proceeding by written submission, the appellant shall file submissions and evidence with the Registrar before the deadline provided by the Registrar.
(2) The Registrar shall provide the respondent with copies of the appellant's submissions and evidence.
(3) The respondent shall file a response and evidence with the Registrar before the deadline provided by the Registrar.

(4) The Registrar shall provide the appellant with a copy of any filed response and evidence.

22. (1) Subject to the appeal panel's discretion, a party is deemed to have waived the right to participate in a hearing by written submission if the party receives notice of the hearing and fails to file submissions and evidence with the Registrar within the deadline provided.
(2) Subject to subsection (2.1), if a party fails to meet a deadline for filing written submissions and evidence, the appeal panel may
(a) proceed without the party's submissions and evidence; or
(b) subject to section 10, allow the party an extension of the filing deadline.
(2.1) If a party fails to meet a deadline for filing written submissions and evidence that was previously extended under subsection (2), the appeal panel shall proceed without the party's submissions and evidence.
(3) The appeal panel may take such steps as it considers just and reasonable if a party receives notice of a hearing by written submission and notice of deadlines for the filing of submissions and evidence with the Registrar, and fails to file within the deadline provided.

23. The appeal panel may, during a hearing by written submission and through the auspices of the Registrar, require a party to provide any documents and other information relevant to the appeal.

24. (1) The appeal panel may request post-hearing submissions from a party who failed to file submissions under subsection 21(1), if the appeal panel requires such submissions to resolve the appeal.
(2) The appeal panel may request a response from any other party to the post-hearing submissions referred to in subsection (1).

25. (1) Subject to subsection (2), a majority of appeal panel members participating in the hearing of an appeal panel must agree before a finding or decision, as the case may be, is issued.
(2) The chairperson of an appeal panel is only entitled to vote if majority agreement cannot be reached by the other panel members.

26. (1) The appeal panel shall, after considering the submissions and evidence submitted on an appeal, dismiss the appeal if the appeal panel is satisfied that the finding or decision that is the subject of the appeal
(a) had been made in accordance with the Act; or
(b) does not pertain to eligibility for or the amount of assistance under the Act.
(2) The appeal panel shall, after considering the submissions and evidence submitted on an appeal, vary or reverse the finding or decision that is the subject of the appeal if the appeal panel is not satisfied that the finding or decision had been made in accordance with the Act.
(3) The Registrar shall forward to the parties and the Director, if he or she is not a party, copies of a finding or decision, as the case may be, made by the appeal panel under subsection (1) or (2).

27. (1) Subject to subsection (2), if an appeal committee finds that assistance should be provided to the party who is the applicant for or recipient of assistance, the Director shall ensure that assistance is provided in accordance with that finding within seven days after the finding, to continue until financial or other circumstances of the party materially change or, if an appeal to the Appeal Board is filed, until the Appeal Board varies the ruling.
(2) The appeal of a finding of an appeal committee to the Appeal Board operates as a stay of the finding, and the stay remains in effect until a decision is issued by the Appeal Board.

28. If the Appeal Board decides that assistance should be provided to the party who is the applicant for or recipient of assistance, the Director shall ensure that assistance is provided in accordance with the decision within seven days after the decision, to continue until the financial or other circumstances of the party materially change.

## What it Means

Sections 14. through 28. of the Regulations explains how an appeal is conducted and when a decision must be provided.

**Appeal Procedures**
A party to the appeal may request direction from the appeal panel on procedures, however, if there is a conflict between the direction and the regulations, the regulations will prevail.

**Presenting Evidence**
The SAAC and SAAB are not bound by the complicated laws of evidence and can receive evidence in whatever way is considered to be fair and appropriate to the SAAC or SAAB.

**Adjourning or Rescheduling**
The SAAC and the SAAB have discretion to adjourn or reschedule an appeal hearing to a maximum of one (1) time.

**Oral Hearing**
The following is the process for an oral hearing:

- It must be conducted in private with only the parties of the appeal and their representatives present
- All parties of the appeal and their representatives must be respectful to one another
  - A person who is disruptive may be removed from the hearing
  - A person who is abusive may have their access to the members or staff restricted
- Each party will be given an opportunity to present their case
- SAAC or SAAB members may ask questions they feel necessary to the hearing
- The SAAC or SAAB may request documents relevant to the appeal
- If a party is absent from the oral hearing, the panel may proceed without the party and the absent party waives the right to receive and respond to evidence presented during the hearing
- The SAAC or SAAB decision will be based on the evidence provided at the time of the hearing not on the fact that a party was absent from the hearing
- The appeal panel may request post-hearing submissions, including submissions from absent parties

**Written Hearing**
The following is the process for a written hearing:

- Submission of evidence and responses shall be filed with the Registrar five (5) days prior to the hearing
- The Registrar will provide copies of the evidence and responses to the parties of an appeal
- A party who receives notice of the appeal and fails to file submissions with the Registrar is considered to have waived the right to participate in the hearing
- If a party fails to meet a deadline for filing submissions, the appeal panel may proceed without the submission or allow the party an extension to a maximum of one (1) time
- The appeal panel may request post-hearing submissions, including submissions from absent parties

**Issuing a Decision**
The SAAC or SAAB can dismiss an appeal if they are satisfied that the decision has been made in accordance with the Act or does not pertain to eligibility for or the amount of assistance under the Act.

After considering all evidence of an appeal, the SAAC or SAAB may vary or reverse the decision that is subject to the appeal.

The SAAC or SAAB must issue their decision, along with reasons, within 10 calendar days of the date of the hearing.

The Registrar must forward copies of the finding or decision to all parties and to the Director.

**Issuing of Assistance**
If the SAAC finds that assistance should be provided to the applicant, the Director shall ensure such assistance is provided within seven (7) days of the finding or, if an appeal to the SAAB is filed, until the SAAB varies the ruling.

If the SAAB finds that assistance should be provided to the applicant, the Director shall ensure such assistance is provided within seven (7) days of the finding.

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