



# Income Assistance Policy Manual

Updated February 2020



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## SECTION 1: INTRODUCTION

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### ***Section 1.1: Purpose***

This manual explains the Northwest Territories (NWT) Income Assistance Regulations and policies. Client Services Officers (Officers) also have a Resource and Procedure Manual that outlines more details and step-by-step directions on how to deliver the Income Assistance Program. Where there is a discrepancy between policies and legislation, the legislation takes precedence.

#### **What Is the Income Assistance Program?**

The Income Assistance Program is one of five Income Security Programs delivered by the Department of Education, Culture and Employment. Income Security Programs provide financial resources in combination with other Government Programs and services to help people become independent and self-reliant.

The Income Assistance Program helps people when they do not have enough money each month to pay for basic needs like food, shelter and utilities. The Income Assistance Program also provides enhanced benefits for longer-term supports, such as clothing or disability allowance. The amount of support available to individuals is based on overall needs, where person lives, the size of the family, and the person's ability to provide his/her own financial resources. The program encourages people to make productive choices, allowing them to achieve self-reliance.

#### **What are the Income Assistance Regulations?**

The Income Assistance Regulations, R.R.N.W.T. 1990, c.S-16 (the Regulations), are part of the *Social Assistance Act*. The Regulations outline how the Income Assistance Program operates and how assistance is delivered to applicants.

#### **What About Other Legislation?**

Other legislation that can influence the Income Assistance Program is the Access to Information and Protection of Privacy Act (ATIPPA) and the Interpretation Act. This list is not inclusive.

#### **Who is Responsible?**

The head of the Income Assistance Program is the Director, Income Security Programs. He/she works out of the Department of Education, Culture and Employment's headquarters office in Yellowknife. When an Officer finds himself/herself in a situation that is not covered by the Act, the Regulations, or this Policy Manual, the Officer, through his/her Supervisor, should contact the Director, who makes a decision on how to handle the applicant's situation.

**Must Applicants Use the Assistance for Which it Was Intended?**

Applicants are expected to use the assistance for the purpose it was provided. Officers are not expected to monitor spending except in unusual circumstances that require the Officer's discretion.

**What Happens When an Applicant is No Longer in Need?**

When an applicant is no longer considered to be in need, he/she is no longer eligible to receive Income Assistance. If an applicant is later considered to be in need again, he/she can be considered for Income Assistance.

**Can Applicants Receive Benefits While They are Disqualified?**

Applicants cannot receive Income Assistance or request a financial review at any time during their disqualification period. An Officer may change his/her decision to disqualify an applicant if he/she has new information that shows the applicant is eligible for Income Assistance.

When there is an appeal pending, Income Assistance 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**

If an applicant does not ask for a certain type of benefit, the Officer must make the applicant aware of what is available and offer the benefit to the applicant.



## ***Section 1.2: 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;
- Work with you towards reaching self-reliance;

We will achieve this by:

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



### ***Section 1.3: How to Use This 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 an Officer 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.



## **SECTION 2: INCOME ASSISTANCE REGULATIONS**

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### ***Section 2.1: Interpretations – The Definition of Words***

#### **The Law**

1. In these regulations,

"Act" means the *Social Assistance Act*;

"adult" means a person who has attained 19 years of age ;

"applicant" means a person who applies or on whose behalf an application is made for assistance, and includes a recipient; (*demandeur*)

"application" means an application for assistance under these regulations

"basic benefits" means the benefits set out in Schedule A;

"budget deficit" means the amount by which the total cost of those basic 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 basic benefits;

"child" means a person under 18 years of age;

"dependant" means a member of the family of the applicant who resides with him or her and who is wholly or in part dependant on the income of the applicant, , but does not include an adult living in the home of the applicant who is maintained by the Director;

"earned income" means the items set out in subsection 20(3);

"enhanced benefits" means the benefits set out in Schedule B;

"financial resources" means the financial resources of an applicant as determined in accordance with section 20;

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

"head of a family" means a person who has charge of a household and who has one or more dependants in the household;

"mature child" means a person who is 18 years of age; (*enfant mature*)

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

"recipient" means an person to whom assistance has been granted;

"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;

"unearned income" means the items set out in subsection 20(4);

#### **What it Means**

Section 1 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 – August 2016**

A person who applies for assistance. This includes the spouse of the person applying and a recipient.

***Application Period – Revised January 2018***

An Application for Income Assistance, which includes the Statement and Authorization, must be completed annually, or when an applicant has a change in relationship status. Applicants who are not payrolled must complete Form A Reporting Form and submit all supporting documentation each time the Officer assesses their application.

***Asset***

Any item of economic value owned by an individual, which may include cash, investments, vehicles, real estate or other property.

***Bachelor Apartment April 2018***

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

***Bankruptcy***

When determining the need of a person, it should be noted that bankruptcy is always on an individual basis - couples cannot claim bankruptcy.

***Business Day***

Monday through to Friday, excluding statutory and civic holidays.

***Client – August 2016***

The applicant and/or co-applicant on an application.

***Compensation***

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

***Director's Discretion***

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

***Disabled Person***

A person with either physical or mental impairments that significantly restrict his/her ability to perform daily living activities, either permanently or periodically for extended periods, and medical treatment **would not** remove or heal his/her disability and because of these restrictions, requires assistance with daily living activities.

***Earned Income***

The items set out in subsection 20(3) of the Regulations (any income that comes from participation in a community activity, employment or an activity that includes honoraria).

***Excluded Income***

Items that are excluded from the calculation of financial resources.

***Family***

This refers to immediate family and is defined as an Officer's or applicant's father; mother, brother, sister, spouse, child, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparent, and all relatives permanently residing with the employee.

***Financial Review - August 2016***

A monthly review of an applicant's income is required before that applicant can receive assistance.

***Friend***

A close and favoured companion.

***Full-time Day Care - January 2018***

Day care provided for a period of more than five consecutive hours per day.

***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.

***Health Care Professional***

The following personnel have been approved by the Director as Health Care Professionals: a doctor of medicine, a doctor who is specialized in an area of medicine, a physiotherapist or occupational therapist, a psychologist, a nurse practitioner or a registered mid-wife.

***Landlord***

The legal owner or owners of a property and/or building.

***Mature Child - August 2016***

A person who is 18 years of age.

***Month or Monthly***

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

***Neglect - August 2016***

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

***Parenting***

The raising of children by a parent or legal guardian.

**Part-Time Child Care - January 2018**

Child care provided for a period not exceeding five consecutive hours per day.

**Prorate - August 2016**

To divide expenses based on days in the month. Income Assistance is based on monthly payments, but if an applicant requests assistance in the middle of the month, the amount the applicant is entitled to receive is based on the number of days left in the month and not the whole month.

*For example, a food allowance for two parent household in Aklavik is \$818. If this family made an application for a food allowance on July 14, they are entitled to \$449. The amount is calculated using this formula:  $\$818 \div 31 \text{ days} \times 17 \text{ days} = \$449$ .*

**Productive Choice**

The activity or program an applicant must take part in to continue receiving Income Assistance, unless he/she is exempt.

**Recipient - August 2016**

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.

**Reside - August 2016**

The place where an applicant resides either permanently or on a long-term basis.

**Resident**

A person lawfully entitled to be, or to remain in Canada, who makes his or her home and is ordinarily present in the Territories, but does not include a tourist, transient or visitor to the NWT.

**Retroactive - February 2014**

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

**Secondary Suite - October 2019**

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

**Senior - October 2015**

An applicant 60 years of age or older.

**Separated – April 2014**

When couples no longer live together but are not divorced. The Director must be consulted 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, must sign a statutory declaration in support of this separation.
- **Evidence of Family Violence:** Physical evidence or information provided by police, medical personnel or social worker, accompanied by a change in residence for the applicant or partner.
- **Geographic Separation:** Occurs when an applicant is residing outside of his/her home community and maintaining a separate residence from his/her spouse due to educational or medical reasons. This does **NOT** apply to applicants who are residing separately from their spouse for employment reasons.

**Spouse/Co-applicant– August 2016**

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/co-applicant if he/she is legally married to the applicant.

**Suitable Housing – April 2018**

Suitable housing means the unit has enough bedrooms for the size and make-up of resident households, according to National Occupancy Standard (NOS) requirements. NOS requirements define suitable housing as a unit that has one bedroom for;

- each cohabiting adult couple;
- each lone parent;
- unattached household member 18 years of age and over;
- same-sex pair of children under age 18;
- and additional boy or girl in the family, unless there are two opposite sex children under 5 years of age, in which case they are expected to share a bedroom.

**Transient**

A person who is in need of short-term assistance.

**Transient Living Accommodation - New February 2020**

A room or suite of rooms which is occupied not as a primary residence. This includes 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, dream-catchers, etc.), carving or being out-on-the-land in a remote or inaccessible area.

***Unearned Income***

The items set out in subsection 20(4) of the Regulations. Income received as a result of activities other than participation in community activities, employment, or training.

**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 choice.
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 2.2: Person in Need – Who is Eligible***

### **The Law**

1.1. (1) Repealed.

(1.1) Subject to subsection (2), an applicant is a person in need if, by reason of inability to obtain employment, loss of the principal family provider, illness, disability, age or other cause of any kind that makes the applicant unable to provide adequately for himself or herself and his or her dependants or any of them,

- (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 (1.1) is not a person in need if the applicant

- (a) is employable but is unwilling to accept employment of any type that has been offered in the Territories that would enable the applicant to provide adequately for himself or herself and his or her dependants;
- (b) is unemployed but is employable as determined under section 5 and an Officer is not satisfied that the applicant is searching for and is willing to undertake wage employment or self-employment;
- (c) is a child or a mature child;
- (d) Repealed;
- (e) is incarcerated;
- (f) has the means available to maintain himself or herself and his or her dependants adequately; or
- (g) refuses or neglects to utilize all of the financial resources that he or she may access including but not limited to employment, unemployment or disability benefits or, subject to subsection (3), pension benefits.

(3) An applicant is not required to access pension benefits before he or she attains the age of 65 years.

1.11. An applicant is only eligible to receive assistance if he or she

- (a) is a Canadian citizen;
- (b) is a permanent resident as defined in subsection 2(1) of the *Immigration and Refugee Protection Act* (Canada);
- (c) is a protected person within the meaning of subsection 95(2) of the *Immigration and Refugee Protection Act* (Canada) and he or she

- (i) has applied for permanent resident status, and
- (ii) has been issued a social insurance number; or

(d) 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

- (i) 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
- (ii) has not been rejected, suspended, abandoned or withdrawn.

1.12. (1) If the Director is satisfied that an applicant has made a false or misleading statement for the purpose of obtaining assistance for himself or herself or any other person, the applicant is not eligible to receive assistance until 60 days after the day on which the Director makes that determination.

(2) If an applicant voluntarily left employment without just cause as set out in paragraph 29(c) of the *Employment Insurance Act* (Canada) he or she is not eligible to receive assistance until 60 days after the day on which he or she left the employment.

(3) If an applicant's employment was terminated by his or her employer for just cause the applicant is not eligible to receive assistance until 60 days after the day on which his or her employment was terminated.



1.13. (1) If a recipient's assistance is terminated under paragraph 16(1) (b), (c), (d.1), (d.2) or (d.3), he or she is not eligible to receive assistance until 60 days after the day on which his or her assistance is terminated.

(2) Subject to subsection (3), if a recipient's assistance is terminated under paragraph 16(1) (b), (c), (d.1), (d.2) or (d.3) and it was previously terminated under the same paragraph, he or she is not eligible to receive assistance until 90 days after the day on which his or her assistance is terminated.

(3) If a recipient whose assistance is terminated under paragraph referred to in subsection (2) does not have his or her assistance terminated again under that paragraph for a period of 36 months, the next termination under that paragraph results in the period of ineligibility referred to in subsection (1).

### **What it Means**

Section 1.1(1) to 1.13(3) of the Regulations explains how to determine if a person is in need and is eligible to receive Income Assistance. It also explains what an Officer must do when an applicant's assistance is increased, reduced or refused.

A person in need is a person who does not have enough money to pay for his/her or his/her dependants' basic needs (food, shelter and utilities). The amount of Income Assistance needed is calculated by subtracting the applicant's income from the cost of his/her basic needs. If a person **does not have** money left over, he/she may be eligible for Income Assistance.

If a person has money left over, he/she are not a person in need unless the Director believes the money left over is not enough to provide for an unexpected circumstance.

### ***Person in Need***

The following are examples of situations where applicants and/or their dependants would be considered a person in need:

- The applicant cannot find work
- An income earner no longer supports the applicant and/or dependants
- The applicant is ill or homeless and unable to support himself/herself or his/her dependants
- The applicant is disabled and living:
  - Alone or with someone
  - In a group home
  - In a long-term care facility/hospital, a nursing home or an extended care facility/hospital
- **February 2017** A senior who does not have enough income to meet his/her needs, including seniors who are currently eligible for Senior Home Heating Subsidy
- A applicant is unable to provide adequately for himself/herself and/or his/her dependants, according to the Director



- An applicant who is under house arrest
- **August 2016** An applicant who is in a hospital in the NWT for a medical, surgical, or psychiatric procedure
- **August 2016** A client is temporarily staying in a safe shelter or emergency shelter

***Applicants who are Temporarily Hospitalized, or Staying in a Safe or Emergency Shelter - Revised January 2018***

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

***Senior Home Heating Subsidy (SHHS) Recipients - February 2017***

An applicant who is a recipient of SHHS is a person in need if they do not have enough income to meet his/her needs that is not included in the subsidy. Applicants can apply for IA to receive assistance with food, clothing, utilities, aged and incidentals. They may be eligible to receive assistance with fuel, only if they have not received fuel through SHHS that month. The Officer must ensure that there is no duplication of benefits. Therefore, if an IA applicant has received the SHHS subsidy in the same month that they have applied for IA, the applicant is not eligible to receive the fuel allowance, but may be assisted with other needs.

***Person Not in Need***

The following are examples of situations where applicants and their dependants **would not be** considered persons in need:

- An applicant will not take work offered to them
- An applicant can work but the Officer is not satisfied that the person is actively looking for work
- An applicant is under the age of 19 and considered a child **April 2014**
  - In cases where a parent is receiving IA benefits for a child who turns 19 during the assessment month, benefits will not be prorated. If the child is unable to sustain themselves financially in subsequent months, he/she is required to apply for IA benefits on his/her own behalf
- An applicant is in prison
  - If an applicant becomes incarcerated after receiving IA, those benefits are not to be recovered. The applicant can re-apply once they are released. If a payrolled applicant does not inform a CSO of their incarceration and continues to collect IA while incarcerated, those benefits would be subject to recovery.
- A person who, while receiving Income Assistance:
  - Now has the resources (money, goods or services) to support himself/herself and/or his/her dependants



- Will not, or does not, use all the financial resources he/she can access (other than Income Assistance) and is thus not eligible for assistance for 60 days
- Will not participate, or stops participating, in a productive choice and is thus not eligible for assistance for 60 or 90 days (unless exempt from a productive choice)
- Will not, or does not, provide any personal or financial information required for the Officer to carry out a financial review
- Is now working and the earnings are enough to support the applicant and his/her dependants according to the Officer. (Income Assistance can continue until an applicant's first paycheque. If assistance overlaps, no recovery is required)
- Has made a false or misleading statement, as determined by the Director, in order to receive assistance for himself/herself, or for another applicant
- Quits a job without just cause. See section 29(c) of the Employment Insurance Act
- Is fired with just cause
- Leaves the NWT, **unless** the applicant leaves in order to receive medical treatment or participate in a Productive Choice that is unavailable in the NWT.

### ***Penalties of 60 or 90 Days***

- **False or Misleading Statement - December 2013:** If the Director is satisfied that an applicant has made a false or misleading statement for the purpose of obtaining assistance for himself or herself or any other person, the applicant is not eligible to receive assistance until **60 days** after the day on which the Director makes that determination.
- **Left a Job:** Where an applicant, who has not been a recipient of Income Assistance in the last 31 days, has voluntarily left employment without just cause, as set out in paragraph 29(c) of the Employment Insurance Act, he or she is not eligible to receive assistance until **60 days** after the day on which he/she left the employment. For more information, visit: <http://laws-lois.justice.gc.ca/eng/acts/E-5.6/page-10.html#docCont>
- **Job is Terminated with Just Cause:** Where an applicant's employment was terminated by his or her employer for just cause, the applicant is not eligible to receive assistance until **60 days** after the day on which his/her employment was terminated.
- **Assistance is Terminated:** Where an applicant's assistance is terminated based on this section of the Regulations, he/she is not eligible to receive assistance until **60 days** after the day on which his/her assistance is terminated.



- **August 2016 Two Strikes Rule:** If an applicant's assistance is terminated a second or subsequent time, for the same reason as the first, he/she is not eligible to receive assistance until 90 days after the day on which his/her assistance is terminated. If the 90 day termination was issued more than 36 months ago, the termination period resets to 60 days.

*For example: John Doe received a 90 day refusal of assistance in June 2016 for failing to declare income. If he is not issued a refusal for the same reason between September 2016 and August 2017, the refusal period is reset to 60 days.*

### **Who is Eligible?**

Canadian citizens, permanent residents, refugee claimants and protected persons with a social insurance number living in the NWT are eligible for assistance.

If refugee claimants or protected persons and their dependants have not been issued temporary or permanent social insurance numbers, they are not eligible to receive assistance. Officers must contact a Supervisor/Director who can verify the applicants' and their dependants' Canadian citizenship status.

### **Applicants Temporarily Leave the NWT – Revised June 2018**

When applicants temporarily leave the NWT to receive medical treatment that is not available in the NWT the Director may grant assistance for all eligible benefits under Schedule A and Schedule B. 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 relevant documentation including proof of residency.

When applicants temporarily leave the NWT to participate in a Productive Choice that is not available in the NWT, the Director may grant assistance for all eligible benefits under Schedule A and Schedule B up to a maximum of three months.

### **Notes**

1. 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.
2. The NWT Housing Corporation delivers the Homelessness Assistance Fund, which can assist an applicant and his/her dependants to return to their home community within Canada or those who are at risk of becoming homeless.
3. A person in need can include someone who is self-employed.



4. When an applicant is issued a Notice of Refusal, regardless of the reason, he/she and his/her dependants will no longer be eligible for assistance.
5. A person aged 16 to 18 years is not eligible to apply for assistance, but can be directed to the Department of Health and Social Services, which may provide benefits under a social services program through a Support Services Agreement (SSA).



## ***Section 2.3: Kinds of Assistance – Money, Goods or Services***

### **The Law**

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

(2) Basic benefits and enhanced benefits or a portion of them may be provided in goods or services of an equivalent amount.

### **What it Means**

Section 1.2(1) to 1.2(2) of the Regulations explains how Income Assistance can be provided to applicants and their dependants.

Aid for basic and/or enhanced benefits can be provided to the applicant and his/her dependants in the form of:

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

For more information on basic and enhanced benefits, refer to Sections 3 and 4 of this manual.



## ***Section 2.4: Delegation – Transfer of Responsibilities***

### **The Law**

1.3. 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 1.3 of the Regulations explains how local First Nations, Aboriginal 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 Officers are subject to the same Regulations, policies and procedures. On matters regarding policies and procedures, Officers should report to the Regional Supervisor of Income Security Programs.



## ***Section 2.5: Application for Assistance – How to Apply***

### **The Law**

2. Every person applying for assistance shall

- (a) make application for assistance to the Officer for the area in which the applicant is residing; and
- (b) sign a statement and authorization in the presence of the Officer taking the application.

3. Application for assistance on behalf of a family shall be made by the head of a family on behalf of himself or herself and his or her dependants, but if an Officer is satisfied that the head of the family is unable, for a valid reason, to make the application, the Officer may permit the application to be made by another adult member of the family, or by a responsible person outside of the family.

3.1. Subject to sections 3.2 and 3.3, the Director shall determine the content of the forms to be used by an Officer for an application, statement and authorization referred to in section 2, and for an assessment and verification of whether an applicant is a person in need and for any other purpose that the Director considers necessary.

3.2. (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 each of his or her dependants before assistance is granted:

- (a) name, sex, address, phone number, birthdate, marital status and ethnicity;
- (b) education and occupation;
- (c) subject to subsection (3), proof satisfactory to an Officer, of social insurance number;
- (d) description of any maintenance order entitling the applicant to maintenance;
- (e) reason for the application for assistance;
- (f) employment history;

(g) the monthly amount and sources of all income including gross earned income, net earned income, unearned income and income in kind;

(h) the value and description of all assets;

(i) information concerning finances from, if relevant, his or her 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;

(j) Repealed.

(3) 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 he or she has applied for a social insurance number.

3.3. The statement and authorization of the applicant referred to in paragraph 2(b) must include statements that the applicant

(a) meets one of the eligibility criteria set out in paragraphs 1.11(a) to (d);

(b) has attained the age of 19 years;

(c) will inform the Officer immediately of any change in his or her circumstances that would affect his or her application or the amount of assistance granted, including change in dependants, income, assets or residence;

(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 his or her eligibility for assistance and for the effective and efficient general administration and enforcement of the Act and the regulations made under it;

(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;

(f.1) 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, 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 his or her eligibility for assistance and for the effective and efficient general administration of the Act and the regulations made under it;

(g) declares that he or she understands the circumstances under which the procedure by which he or she may appeal a decision respecting assistance and the circumstances under which the Officer may assist the applicant in making the appeal;

(h) declares the information that he or she provides to the Officer is true;

(i) declares that he or she understands that making a false or misleading statement for the purpose of obtaining assistance for himself or herself or any other person is an offence punishable on summary conviction;

(j) Repealed;

(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.

5. If an applicant is unemployed but is employable, as determined in accordance with the direction of the Director, the Officer shall satisfy himself or herself that the applicant is searching for and is willing to undertake wage employment or self-employment.

6. (1) An Officer may require an applicant to disclose fully such information as the Officer considers necessary to establish the eligibility of the applicant and the Officer may refuse assistance until sufficient information is provided.

(2) The applicant shall be informed in writing of a refusal under subsection (1) together with the reasons for the refusal within two business days of the refusal.

(3) If an applicant has previously applied for assistance in accordance with section 2 within one year of the date of the current application, an Officer may accept the previous application and statement and authorization as a new application for assistance, and may request additional information to make the application complete and up to date.

7. An Officer shall refuse assistance to any applicant whom the Officer determines is not a person in need, and the applicant shall be informed in writing of the refusal and the reason for the refusal within two business days of the refusal.

**What it Means**

Sections 2 to 7 of the Regulations set out the rules applicants must follow when applying for Income Assistance and the rules an Officer must follow when refusing an applicant.

***Place of Residence***

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

***Applicants who are temporarily outside of their home community and within the NWT - October 2019***

An applicant may be considered temporarily outside of their home community if they are travelling for personal reasons (for example; visiting relatives, or participating in traditional activities) and will not be immediately returning to their home community. Applicants who intend on applying for Income Assistance while away from their home community should notify their Officer immediately.

Applicants must submit an application and required documents via fax or email to the Income Assistance office in their home community. An applicant's amount of assistance will be determined based on their home community benefit rates.

Note: If an applicant is travelling within the NWT and is away from their home community for more than 3 months the Officer must confirm the applicants' primary place of residence and consult with the Regional Manager to determine if benefit rates should be adjusted.

***Applicants who are temporarily outside of the NWT - June 2018***

NWT residents who are temporarily outside of the NWT may apply for Income Assistance under Section 16 (2) (a) and (b) of the Regulations. Applicants must submit an application and required documents via fax or email to the Income Assistance office in their home community. Applicants must provide proof of residence in the Territories and provide documentation confirming the reason for temporary travel is to receive medical treatment that is not otherwise available in the NWT.

***Applicants Changing Place of Residence - Revised July 2018***

A new application and a Statement and Authorization are not required. The applicant's file is not to be transferred to the new community. Specific documents (such as income tax notice of assessment, old application, Statement and



Authorization, etc.) will be available through CMAS Document Storage (DSM). A paper file can be created from these documents.

### ***Application and Forms***

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

Applicants must complete and sign all necessary forms to apply for assistance. Applicants who are unable to complete the forms may request assistance from another adult member of the family, another responsible adult person, or the Officer.

### ***Applicant and Dependant Information - August 2016***

Applicants must provide all of the following information (for themselves and for any dependants). The Officer must collect all of this information before the need for Income Assistance is determined:

- Full name (first, last, middle, as well as nicknames, maiden names, aliases, etc.)
- Sex
- Address (street and mailing)
- Phone number(s)
- Birth date
- Marital status
- Ethnicity
- Education and occupation
- Proof of Social insurance number (copy)
- Description of any maintenance order (copy)
- Explanation of why they are applying for Income Assistance
- Employment history
- Monthly income (gross earned, net earned, unearned and income-in-kind)
- Description and estimated value of all assets
- Information about the money kept in or received from employers, financial institutions, agencies or governments, and,
- Most recent copy of the Canada Child Benefit Notice

### ***August 2016***

First time applicants who are unable to provide proof of social insurance number must provide proof within two months that they have applied for their social insurance number. Applicants who do not provide this information within two 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.

Verification must be done before an Officer can determine if an applicant and his/her dependants are eligible to receive Income Assistance.

***Statement and Authorization – Revised June 2017***

When submitting an application, the applicant and co-applicant must sign the Statement and Authorization (SAA). The SAA has conditions that the applicant and co-applicant must declare, agree and understand. Applicants and co-applicants agree to tell the truth on their application.

The SAA allows the Officer to collect information about an applicant and his/her dependants, as well as use any information that the applicant has provided in determining eligibility for program benefits.

The SAA also permits an official from Income Security Programs to obtain information from Canada Revenue Agency or that an applicant will provide a copy that may be redacted as per Section 2.12.

***Looking for Employment***

The Officer must verify that an applicant who is employable is actively searching for employment and is willing to work for a wage, salary or to become self-employed. If the Officer does not believe an applicant is searching for employment and/or is not willing to work, his/her Supervisor must be contacted and he/she must agree with the Officer's decision not to provide Income Assistance.

The applicant must show the Officer that he/she made a reasonable effort to look for work. The applicant may also be requested to complete a job application, submit a resume and obtain a dated signature from potential employers.

***Request for Additional Information***

Applicants may be asked to provide additional information if the Officer believes it is essential to complete the application.

***Refusing Assistance - August 2016***

An Officer may refuse assistance to any applicant and his/her dependants. The applicant must be notified in writing of the decision within two business days. If that is not possible, the written decision will be mailed to the applicant. The date the decision was mailed should be recorded in the file and in CMAS.

***Guardians - August 2016***

Anyone who has guardianship for a child(ren) must provide documentation that he/she are or have day to day care of the child

Documentation that the 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 outlining that guardianship has been given over.



- 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 - August 2016***

In the event of a separation, the parent who has day-to-day control of the child(ren) should be encouraged to apply for child support.

Parents and Guardians, who are not in receipt of the Canada Child Benefit (CCB) are encouraged to apply for the CCB. This is a financial support to provide for the cost of raising a child or children.

Biological/legal parent, are encouraged to apply for child maintenance as this is an additional financial resource.



## ***Section 2.6: Granting of Assistance – How Assistance is Given***

### **The Law**

9. If, after thoroughly reviewing and verifying the information provided by the applicant, an Officer is satisfied that an applicant is a person in need, the Officer shall

- (a) determine the amount of assistance based on the applicant's need for assistance;
- (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;
- (c) grant assistance in accordance with Schedule A as is applicable to the circumstances of the applicant; and
- (d) subject to section 13.1, grant assistance in accordance with Schedule B as is applicable to the circumstances of the applicant.

10. If assistance has been granted under section 9, the Officer shall inform the applicant immediately

- (a) of the kind and the amount of assistance, the manner in which the amount of assistance was determined and the method of providing the assistance; and
- (b) of the responsibility of the applicant to report immediately any change in circumstances that would affect the amount of the assistance that has been granted.

### **What it Means**

Sections 9 and 10 of the Regulations set out the process Officers must follow to provide Income Assistance.

### ***Current Practice***

Although the Director should be in agreement with how the applicant receives assistance, the practice has been to allow the Officer and applicant to decide how the assistance will be provided, without consultation with the Director.

### ***Officer Responsibilities***

All of the applicant's documents must be date stamped upon receipt.

After an Officer has reviewed and examined the applicant's application information and determined that the applicant and his/her dependants are in need, the Officer must:

- Calculate the amount of eligible assistance (full month or prorated)
- Tell the applicant he/she is eligible to receive assistance and what he/she can receive
- Decide how the assistance will be provided – cheques, direct deposit, goods, services or a combination
  - The Officer determines how the assistance will be provided in consultation with the applicant



- The Director has the authority to overturn the Officer's decision.
- Provide assistance under Schedule A – Basic Benefits and/or Schedule B – Enhanced Benefits, depending on the circumstances
- Tell the applicant he/she must report all changes to his/her personal information (where he/she lives, how many people are in the family, etc.) and financial information (income and assets)
- Explain the Income Assistance Program to the applicant, making sure that he/she understands what he/she is eligible to receive, how much he/she is receiving, what his/her rights and obligations are and what the government's rights and obligations are
- Ensure all needs are authorised as soon as an applicant's eligibility is determined.

***Providing Assistance to Family Members and Friends***

An Officer 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 an Officer in another community or Supervisor.



## ***Section 2.7: Commencement of Assistance – When Assistance Starts***

### **The Law**

11. (1) Assistance must commence on the later of

(a) the day the application for assistance is made; and

(b) the day on which the need for assistance is established.

(1.1) Notwithstanding subsection (1), if the need exists, assistance for rent, fuel and utilities may be granted commencing from the beginning of the month in which the application was made.

(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 is apparently urgent, a grant of minimal assistance may be made in accordance with Schedule A to meet the need until the eligibility of the applicant can be determined.

(2.1) The Director may exercise his or her discretion to grant assistance for a maximum of one year prior to the day on which the need for assistance is established, but may not grant assistance for any period prior to the day on which the application for assistance was made.

(2.2) 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 benefits through no fault of the applicant, the applicant is entitled to be awarded assistance for the entire period of entitlement.

(3) Notwithstanding subsections (1) and (2), assistance shall not be granted in respect of a period of time during which an applicant is not eligible to receive assistance under sections 1.11, 1.12 or 1.13.

### **What it Means**

Section 11(1) to 11(3) of the Regulations explains when to begin an applicant's Income Assistance.

### **Revised January 2018**

An Application for Income Assistance, which includes the Statement and Authorization, must be completed annually, or when an applicant has a change in relationship status. Applicants who are not payrolled must complete Form A Reporting Form and submit all supporting documentation each time the Officer assesses their application.

An applicant's Income Assistance begins on the day he/she submits an Application for Income Assistance or a Reporting Form. However, an applicant's assistance for rent, utilities, or fuel can be retroactive to the first day of the month, or at any time during the month, if the Officer determines the need exists.

### ***Start of Assistance***

Once the application process is complete, assistance is retroactive to the date the application process started, or the day the applicant told an Officer of his/her intent to make an application, unless the applicant misses his/her appointment to start the application process.



If the Officer is not in the community, the assistance starts when the applicant makes contact with the Officer by phone, fax or email, unless the applicant misses the appointment date to start the application process.

***Missing Information – Revised January 2018***

If the applicant does not submit the required supporting documentation with the Application for Income Assistance or Form A- Reporting Form, the Officer must issue Form B - Request for Missing Information. The applicant has until the last day of the calendar month to submit the supporting documentation. If the applicant does not submit the supporting documentation by the last day of the calendar month, the Officer must issue a refusal under Section 16 (1) (c.1).

***Retroactive Payments – Revised January 2018***

Officers have the authority to issue eligible assistance to a maximum of one month prior to the current assessment period. Officer must have Supervisor approval to issue payments for any other month within a 12 month period. Applicants will not be eligible to receive retroactive payments for benefits outside of the 12 month period.

*For example, if an applicant qualified for Income Assistance in January 2017 and did not submit a utility bill, the bill can be paid up to December 2017.*

***Urgent Assistance Requirements***

In circumstances where eligibility for assistance cannot be immediately determined and the Officer believes the need is urgent, the Officer may issue  $\frac{1}{4}$  or  $\frac{1}{2}$  of an applicant's food allowance under Schedule A – Basic Benefits.

Once eligibility is established, the amount of urgent assistance must be deducted from the applicant's total assistance available.

***August 2016***

*For example, a single applicant in Yellowknife is eligible for \$343 month in food allowance from Schedule A – Basic Benefits. If the Officer believes the need of the applicant is urgent, the Officer can issue a quarter or a half of the \$343, with Supervisor approval.*

If it is determined that the applicant was not eligible, the amount of assistance that was advanced to the applicant must be recovered from the applicant through the appropriate overpayment process.

Other extraordinary circumstances may be reviewed on a case-by-case basis in consultation with the Director.

**Verification Delays –Revised February 2020**

Applicants must provide all of the required documents the Officer needs to determine eligibility for assistance. In addition to the required information, Officers must complete additional verification checks. Awaiting responses from ClientCheck for this additional information shall not prevent an Officer from determining eligibility.

In situations where applicant verification checks are delayed beyond two business days, the Officer shall assess the application.

If the applicant has provided all of the documentation required to complete the assessment and he/she is eligible for assistance, benefits are to be issued, regardless if ClientCheck verifications are outstanding. Once ClientCheck verifications are received and it is determined that the applicant was not eligible, the assessment must be amended to reflect the new information.

*Example 1:*

*An applicant who receives income from CPP and has not provided documentation regarding the amount would not be assessed until verification is received from ClientCheck.*

*Example 2:*

*If an applicant has indicated that he/she have zero sources of income and bank verifications from ClientCheck take longer than three days, you would assess the application based on the information provided by the applicant and make any necessary adjustments once verifications have been received.*



## ***Section 2.8: Method of Providing Assistance – Money Now or Later***

### **The Law**

12. (1) Assistance shall be provided in advance either monthly or on a *pro rata* monthly calculation at intervals during the month, as considered appropriate by the Officer having regard to the circumstances of the recipient.

(2) Assistance may be provided in advance for up to two months if the recipient is able to demonstrate to an Officer that the recipient and his or her family will be residing in a remote or inaccessible location for an extended period of time.

(3) 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) Repealed, R-096-2001, s.10 (1).

(c) by cheque to a trustee.

(3.1) 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.

(4) If, under subsection (3), payment is made to a trustee the trustee shall, in a manner approved by the Director and at intervals of no longer than 12 months, provide an accounting of expenditures to the Officer granting the assistance.

### **What it Means**

Section 12(1) to 12(4) sets out the rules for providing Income Assistance to applicants by the month, in advance, or to another person or agency.

With the applicant's circumstances in mind, the Officer can provide assistance to the applicant and his/her dependants as follows:

- At the beginning of the month
- At prorated intervals during the month, or
- If the applicant and his/her family are residing in a remote, inaccessible area, assistance can be provided for up to two months in advance

### ***When and How to Prorate – April 2014***

If an applicant applies on the 1<sup>st</sup> to the 7<sup>th</sup> day of a month, **do not** prorate the applicant's assistance for that month. If an applicant applies on or after the 8<sup>th</sup> day of a month, prorating would take place and begin on the day he/she applied.

In cases where Officers are unable to travel to the community within the first 7 days of the month, benefits will not be prorated.

During a given month, the only needs that should be prorated are food and/or rent. Rental allowance is only prorated in cases where rent has been prorated by the landlord.

When an applicant applies during the first 7 days of a month, the Officer shall review the full month prior to determine the applicant's income.



### Previous Month

*For example, if an applicant applied February 7<sup>th</sup>, the Officer would use the income from the entire month of January to determine benefits for February.*

### Count 31 Days Back

*For example, an applicant applies on February 8<sup>th</sup>, the Officer would start counting 31 days back beginning on February 7<sup>th</sup> and ending on January 8<sup>th</sup>, using the income received during the period January 8<sup>th</sup> to February 7<sup>th</sup>, prorating food and assisting with other needs as necessary.*

*If that same applicant returned in March, count the income received from February 8<sup>th</sup> to February 28<sup>th</sup>, do not prorate. If the same applicant returned in April, count all of the income earned in March to determine benefits.*

### **Advanced Assistance – February 2014**

In order to advance IA benefits for up to two months, the applicant must demonstrate to the Officer that he/she will be residing in a remote or inaccessible location for an extended period of time. The Officer should obtain the following information to determine if advancing IA benefits is appropriate:

- Completed and signed Productive Choice (PC) Agreement for a Traditional PC for applicants required to participate in a PC
  - Estimated dates when the applicant is leaving and returning must be included on the form
  - Should the applicant return sooner than the date on the form, outside of an emergency, the PC is considered incomplete
- Estimated dates when the applicant is leaving and returning
- Household members who will be residing in the remote or inaccessible location
- Location where the applicant will be
- Reason for the applicant being in the remote or inaccessible location

If the Officer determines that the information provided by the applicant is not sufficient, the Officer must consult with his/her Supervisor if he/she feels that the applicant has not provided sufficient detail and obtain approval to request additional information from a third party including, but not limited to an Aboriginal organization, Hunters and Trappers Associations, the Department of Environment and Natural Resources (ENR), the Department of Industry Tourism and Investment (ITI).

**All requested information must be documented in CMAS Attachment Notes prior to the advancement of IA.**

***Assistance Paid to a Public Trustee - August 2016***

If assistance is paid to a public trustee, the trustee must provide the list of expenses paid on behalf of the applicant to the Officer at least every 12 months, unless the Director approves another time-period. The Director has not approved a standard format for this information; therefore, the Officer must contact the Director in all cases involving a public trustee.

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



## ***Section 2.9: Continuing Eligibility – Payrolling***

### **The Law**

13. A recipient who, in the opinion of the Officer is likely to be in monthly receipt of assistance in substantially similar amounts for a period of three months or more and whose

financial circumstances, in the opinion of an Officer, are unlikely to change, may be issued assistance monthly without financial review for a period up to 12 months.

### **What it Means**

Section 13 of the Regulations explains that if an applicant and his/her dependants' circumstances are unlikely to change during a period of three to twelve continuous months, the Officer may provide monthly assistance to the applicant without a monthly financial review. This practice is known as payrolling.

### ***Continuous Payments***

The Officer must be completely satisfied that the circumstances of the applicant and his/her dependants will not change during the approved continuous period. Generally, applicants who are exempt from participating in a Productive Choice may be good candidates for payrolling.

*Example, a 25-year-old applicant is disabled and unable to work. That applicant has no other source of money and is not able to receive money from any other source. An Officer can issue all basic and enhanced benefits on a monthly basis without meeting with the applicant or looking at the applicant's income and expenses. Under these circumstances, the applicant (or a designate) is still responsible for providing the Officer with all bills that are to be paid by Income Assistance.*

### ***Applicants Reporting Changes***

An Officer will remind the applicant, or the person taking care of the applicant's expenses, that any changes to the applicant's information must be reported to the Officer immediately.

### ***Headquarters' Monthly Downloads - August 2016***

Every month, ECE downloads the Senior Citizen's Supplementary Benefit from the federal government and loads it into CMAS. This usually occurs between the 10th and 15th of the month. Staff should never manually enter either of these benefits without first verifying the information with their supervisor. Amounts should never be overwritten, as the actual amount paid to the applicant is what is loaded into CMAS. If you are in doubt about a particular payment contact the CMAS Helpdesk.



## ***Section 2.10: Participation in a Program or Activity – Productive Choice***

### **The Law**

13.1. (1) An Officer shall meet with an applicant and

(a) discuss the activities and programs referred to in subsection (6) that are available in the community in which the applicant resides or to the residents of that community;

(b) determine the activities and programs that the applicant is capable of participating in; and

(c) recommend to the applicant one or more activities or programs in which the applicant must participate that are available in the community in which the applicant resides or to the residents of that community.

(2) An Officer, in consultation with the recipient, shall determine the time within which an applicant must commence participation in any activity or program recommended by the Officer and the duration of the applicant's participation in the activity or program.

(3) An Officer shall monitor an applicant's participation in any activity or program recommended by the Officer and the applicant shall report to the Officer on his or her participation in the activity or program as required by the Officer.

(4) An Officer may change his or her recommendation respecting an activity or program in accordance with subsection (1) and shall review his or her recommendation on the request of an applicant.

(5) An applicant shall participate in the activities and programs recommended by an Officer unless

(a) a person in a health care profession approved by the Director, an occupational therapist or a medical practitioner certifies that the applicant is not capable of participating in the

activity or program for a specified period of time; or

(b) the applicant attained the age of 60 years.

(6) The activities or programs that an Officer may recommend to an applicant are the following, if the activities or programs conform to criteria approved by the Director:

(a) wage employment;

(b) traditional activities;

(c) education and training;

(d) career counselling;

(e) wellness programs and activities, including but not limited to medical treatment, counselling and treatment programs;

(f) parenting or care of adult family members;

(g) unpaid community work;

(h) other activities or programs designated by the Director as activities or programs that an Officer may recommend to applicants.

(7) If an applicant is participating in an activity or program recommended by an Officer or is exempted under subsection (5), in addition to the assistance granted under Schedule A, an Officer shall grant assistance under Schedule B.

(8) In granting assistance under subsection (7), the Officer shall

(a) determine the amount of assistance based on the applicant's need for assistance;

(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) grant assistance in accordance with Schedule B as is applicable to the circumstances of the applicant.



Revised October 2019

### **What it Means**

Section 13.1(1) to 13.1(8) of the Regulations outlines the programs and activities most applicants must take part in to continue to receive Income Assistance and to be eligible for enhanced benefits. These programs and activities are called productive choices.

### ***Who Participates in a Productive Choice***

Productive choices are mandatory for all applicants, unless exempt under section 13.1(5) of the Regulations.

### ***Deciding on a Productive Choice***

An applicant must participate in a productive choice, unless exempted under the Regulations. The Officer must meet with the applicant and together they must:

- Discuss the productive choices that are available in the community
- Determine which productive choice(s) the applicant is able to complete
- Recommend to the applicant productive choice(s) that are available
- Decide when participation in the productive choice(s) will begin
- Decide how much time during the month the applicant must participate in a productive choice
- Decide how long the applicant will participate in the productive choice

### ***Beginning a Productive Choice***

Applicants may begin productive choices right away or any time within a two-month transitional period. The two-month period gives the applicant and the Officer time to identify a plan of action.

If an applicant is in a transitional period, he/she is not eligible for enhanced benefits.

An Officer will determine with the applicant the appropriate time for the applicant to begin a productive choice.

### ***Verifying a Productive Choice***

The Officer must monitor the applicant's participation in his/her productive choice. The applicant must submit documentation that confirms they have met the terms in the productive choice agreement.

*For example, post-secondary school attendance records, pay stubs, or letters from volunteer agencies would be considered documentations that confirm the completion of a productive choice.*

***Changing a Productive Choice***

At any time, an Officer may review an applicant's circumstances and change the applicant's productive choice in consultation with the applicant. The change can take place at the applicant's request, or if the Officer deems, in agreement with the applicant, that changing the productive choice would benefit the applicant.

A change can be made either to the type of productive choice or to the length of time an applicant participates in the productive choice.

The applicant must receive approval from the Officer before altering dates, the length of time, or changing/quitting his/her productive choice(s).

The Officer should review each situation on a case-by-case basis.

***Quitting a Productive Choice***

The Officer should review with an applicant the reason he/she quit a productive choice. There may be valid reasons that could lead the Officer to recommend another productive choice.

***Productive Choice Options***

- Employment that generates wages or a salary
- Traditional activities
- Education
- Career Planning
- Wellness Programs
- Parenting
- Caring for Disabled Adult dependant(s), a dependant requiring homecare services or medical escort – **Revised February 2020**
- Unpaid Community Work (Volunteering)

The Officer must speak to his/her Supervisor and get approval from the Director for all productive choices not listed above.

***Exempt from a Productive Choice***

Applicants who are disabled, aged, or have short-term medical certificates are not required to participate in a productive choice, but may complete one if they wish.

***Providing Enhanced Benefits***

An applicant participating in a productive choice(s) is eligible for enhanced benefits. The Officer and the applicant must:

- Determine the type of benefit to be provided based on the applicant's need
- Decide how the assistance will be provided – cheques, direct deposit, goods or services, or a combination



***Exempt from a Productive Choice and Enhanced Benefits***

An applicant who is exempt from participating in a productive choice is eligible for enhanced benefits from the day he/she applies for Income Assistance, or from the day he/she becomes exempt from participating in a productive choice.

**Note**

As each applicant's situation is different, the Officer should consult with his/her Supervisor to determine the best productive choice option for the applicant.



## ***Section 2.11: Changes in Amount of Assistance – Changing or Stopping Assistance***

### **The Law**

14. (1) If a recipient provides information satisfactory to an Officer that the recipient's need for assistance has increased due to a change in circumstances, the Officer shall, subject to subsection (3), grant an increase in the amount of assistance granted under paragraph 9(c).

(2) An increase to assistance granted under subsection (1) must commence on the later of

(a) the day the Officer is advised that the recipient's need for assistance has increased; and

(b) the day on which the need for increased assistance is established.

(2.1) The Director may exercise his or her discretion to grant assistance for a maximum of one year prior to the day on which the need for increased assistance is established, but may not grant assistance for any period prior to the day on which the application for assistance was made.

(2.2) 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 benefits through no fault of the applicant, the applicant is entitled to be awarded assistance for the entire period of entitlement.

(3) 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 his or her circumstances.

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

16. (1) Subject to subsection (1.01), every Officer shall terminate assistance to a recipient and in the case of a family of recipients for which one application was filed under section 3, the Officer shall terminate assistance to all other recipients in that family, if

(a) the recipient has the means

available to maintain himself or herself and his or her dependants adequately;

(a.1) the recipient refuses or neglects to utilize all the financial resources that he or she may access including but not limited to employment, unemployment or disability benefits or, subject to subsection (1.1), pension benefits;

(b) the recipient refuses or ceases to participate in an activity or program recommended by an Officer under section 13.1 unless exempted under subsection 13.1(5);

(c) the recipient fails to inform the Officer in a timely manner of any changes in circumstances that may affect the amount of assistance provided to the recipient, including but not limited to a change in dependents, income, assets or residence;

(c.1) the recipient fails to submit to the Officer the forms and information required to complete a financial review and assess continued eligibility for income assistance benefits by the last day of the month specified by the Officer;

(d) the recipient obtains employment resulting in earnings adequate to meet the needs of himself or herself and his or her family, but assistance may be continued until receipt of his or her first pay cheque;

(d.1) the Director is satisfied that the recipient has made a false or misleading statement for the purpose of obtaining assistance for himself or herself or any other person;

(d.2) the recipient voluntarily leaves employment without just cause as set out in paragraph 29(c) of the *Employment Insurance Act* (Canada);

(d.3) the recipient's employment is terminated by his or her employer for just cause; or



(e) subject to subsection (2), the recipient leaves the Northwest Territories.

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

(1.02) No more than one warning may be issued under subsection (1.01) in respect of a failure to provide the information referred to in paragraph (1)(c) or to participate in an activity or program as described in paragraph (1)(b).

(1.1) A recipient is not required to access pension benefits before he or she attains the age of 65 years.

(2) Assistance may be continued for a temporary period, as determined by the Director, if a recipient leaves his or her home community in the Northwest Territories or leaves the Territories;

(a) to receive treatment or medical care; or (b) to participate in an activity or program, if the recipient maintains his or her ordinary residence in the Territories or in his or her home community and the activity or program is, in the opinion of the Director,

(i) similar to an activity or program referred to in section 13.1; and

(ii) not available, and not ordinarily available, in the Territories.

(3) The temporary period for which assistance is provided under paragraph (2) (b) must not exceed three months

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

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

(2) If assistance is changed, suspended, reinstated or terminated, the Officer shall endeavor to inform the recipient within two business days of such change, suspension, reinstatement or termination and the reasons for it.

### **What it Means**

Sections 14(1) to 17(2) of the Regulations provide information on when and how to increase, decrease, or end an applicant's Income Assistance.

### ***Increased Need***

An applicant must provide proof if his/her eligible need increases. The Officer, after confirming the increased need, must increase the eligible Income Assistance starting from the day the applicant reported the increased need.

*For example, if an applicant's rent is increased, he/she must provide a report or a bill to prove it.*

If the Director feels that an applicant has purposely caused or contributed to his/her poor circumstances, the Director may refuse assistance.



*For example, a cause or contribution to a poor circumstance would be: damaging a rental property and being evicted, refusing employment for no just cause, or using all resources to travel outside of a home community to vacation/visit.*

### **Decreased Need**

When the need of an applicant decreases the Officer must reduce the Income Assistance immediately.

*For example, if the applicant takes on a roommate, the need for rent and utilities assistance will decrease.*

If the decrease takes place before the applicant reports it to the Officer, the applicant has received too much assistance. In this case, a recovery is required and the Officer will need to set up an overpayment.

### **When to Stop Assistance**

An Officer **shall** stop assistance immediately when an applicant:

- Has the resources (money, goods or services) to support himself/herself and his/her dependants
- **Revised April 2018** Will not or does not use all the financial resources (such as paid employment or Employment Insurance (EI) benefits) that he/she can access and is thus not eligible for assistance for 60 days. Applicants who have been terminated within a 90 day probationary period are ineligible to apply for EI benefits and must be assessed for eligibility.
- Will not participate, or stops participating in productive choices (including quitting or being fired with just cause) and is thus not eligible for assistance for 60 to 90 days (unless he/she is exempt from productive choices)
- Is now employed and the earnings are adequate to meet his/her needs according to the Officer. Income assistance can continue until the applicant receives his/her first paycheque. If assistance overlaps, no recovery is required
- **August 2016** Has been dishonest in order to receive assistance, or so that other applicants can receive assistance.
  - The Officer must be sure, beyond a reasonable doubt, that 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.
- **December 2013** Leaves his or her home community in the NWT or leaves the NWT.
  - This does not include leaving to receive medical treatment or to participate in an activity/program related to a productive choice that is not available in the NWT, such as specialized counselling or employment training, etc.



- An applicant can continue to receive assistance for a time-period of up to three months to maintain his/her home and care for his/her dependants if the home and dependants are in the NWT. All basic needs from Schedule A are issued when the Director approves this leave.
- The enhanced needs from Schedule B are issued at the Director's discretion. (The Director must be contacted for approval of the type of activity or program an applicant requests in order to leave the NWT.)

### ***One-time Formal Warning – Revised April 2018***

In cases when an applicant will not or does not provide the personal or financial information required by the Officer to carry out a monthly assessment, the Officer shall consult with their Supervisor to determine whether to issue a refusal or a one-time formal warning.

If there is a valid reason that the applicant did not declare the income, or was unable to provide confirmation that they met the requirements of their Productive Choice Agreement, the Officer shall issue a one-time formal warning. The Officer must ensure that the applicant understands that failure to declare income in the future or failure to meet the requirements of their Productive Choice Agreement will result in termination of assistance.

### ***Changing the Assistance***

Changes to an applicant's Income Assistance may include, but are not limited to:

- Providing more or less assistance
- Delaying assistance
- Restoring assistance
- Stopping assistance

Before an Officer can make changes to an applicant's Income Assistance, the Officer, wherever possible, must let the applicant know he/she is investigating the possibilities of a change. The Officer must explain the change and the reasons for the change to the applicant. The Officer must let the applicant know within two business days that their assistance will change.

### ***False or Misleading Statements***

Where the Director is satisfied that an applicant has made a false or misleading statement for the purpose of obtaining assistance for himself/herself or any other person, the applicant is not eligible to receive assistance until 60 days after the date of discovery in which he or she made the false or misleading statement.

***Fired/Voluntarily Leaving Employment***

Where an applicant voluntarily left employment without cause as set out in paragraph 29(c) of the Employment Insurance Act (Canada), he/she is not eligible to receive assistance until 60 days after the day on which he/she left the employment. For more information, visit: <http://laws-lois.justice.gc.ca/PDF/E-5.6.pdf>

Where an applicant was fired for just cause, the applicant is not eligible to receive assistance until 60 days after the day on which his/her employment was terminated.

**Note**

An applicant who was terminated within a probationary period of 90 days must be exempt from refusal. The applicant must provide written verification from the employer or through a Record of Employment confirming his/her termination.

***Termination Period***

Where an applicant's assistance is terminated based on sections 16(1)(b), (c), (d.1), (d.2) or (d.3) of the Regulations, he/she is not eligible to receive assistance until 60 days after the day on which his or her assistance was terminated or the date of discovery.

Where an applicant's assistance is terminated based on sections 16(1)(b), (c), (d.1), (d.2) or (d.3) of the Regulations, and it was previously terminated under the same section, he/she is not eligible to receive assistance until 90 days after the day on which his or her assistance is terminated unless the termination was 36 months prior. In this case, the termination period is reset to 60 days.

**Note**

If an applicant's assistance is terminated, his/her co-applicant and dependants are also disqualified from receiving assistance.



## Section 2.12: Financial Resources – What Income is Counted?

### The Law

20. (1) In calculating the financial resources of an applicant and his or her spouse, an Officer shall, in accordance with these regulations, ascertain the net monthly income of the applicant and spouse and shall complete an application and make such inquiries as are necessary for the purpose.

(2) In this section, "net monthly income" means the total, for a calendar month, of all

(a) earned income referred to in subsection (3), and

(b) unearned income referred to in subsection (4), any allowable income referred to in subsection (7).

(3) Subject to subsection (5), the following shall be considered as earned income for the purposes of subsection (2):

(a) salary and wages including voluntary deductions but excluding mandatory deductions;

(b) net income, determined in accordance with the direction of the Director, from hunting, trapping and fishing;

(c) net income, determined in accordance with the direction of the Director, from business operations;

(d) fellowships, bursaries, and scholarships;

(e) honoraria received from benevolent or other organizations or agencies.

(4) Subject to subsections (5) and (6), the following shall be considered as unearned income for the purposes of subsection (2):

(a) net income, determined in accordance with the direction of the Director, from roomers, other than roomers referred to in paragraph (b.1);

(b) net income, determined in accordance with the direction of the Director, from boarders, other than boarders referred to in paragraph (b.1);

(b.1) gross income received from roomers or boarders who receive assistance under the Act;

(c) net income, determined in accordance with the direction of the Director, received from rented self-contained living quarters or property the applicant is allowed to retain;

(d) the regular or periodic payments received under any annuity, pension plan, superannuation scheme or insurance benefit, except if the insurance payment is received as a result of fire, theft, or property damage and is used to replace or repair loss;

(e) benefits from benevolent organizations or other agencies;

(f) any payments received under a mortgage, agreement for sale or loan agreement;

(g) any pension or payment received under the legislation of any other country;

(h) Repealed;

(i) Repealed;

(j) the goods and services tax credit under the *Income Tax Act* (Canada), paid by the Government of Canada;

(k) the reasonable value of goods and services received by an applicant as estimated by the Officer;

(l) a gift or gratuity of cash, or of a financial instrument that can be converted into cash, with a loss not exceeding 25% of reasonable market value;

(m) Repealed, R-055-2007, s.4 (3).

(n) tax refunds, including payments for tax credits;

(o) Repealed;

(o.1) Repealed;

(o.2) income, benefits or money, not otherwise dealt with in this subsection, received from or paid by a government agency;

(p) payments, including grants and loans, that are received for training and education and that are considered in accordance with the direction of the



Director to be provided for monthly living expenses;  
(q) winnings, including but not limited to bingo or lottery winnings;  
(r) Repealed;  
(s) money, or the value of goods, in excess of \$500.00 per year, received by a person in accordance with the provisions of Treaty No. 8 (June 21, 1899) and Treaty No. 11 (June 27, 1921);  
(t) money, or the value of goods, in excess of \$500.00 per year, received by a person under a self-government agreement, or a land claims agreement or an impact benefits agreement;  
(u) payments made by the Workers' Safety and Compensation Commission that are considered, in accordance with the direction of the Director, to be paid or payable as compensation for loss of income;

(v) subject to subsection (6), financial instruments or other assets that can be realized within 90 days or that can be converted into cash at a loss not exceeding 25% of reasonable market value, including

- (i) real property and equity in real property,
- (ii) personal property, including money in a bank or other financial institution,
- (iii) a right to receive or recover a debt on demand,
- (iv) the immediate realizable value of stocks, bonds or other securities,
- (v) mortgages,
- (vi) agreements for sale,
- (vii) entitlements under life insurance or other insurance policies, and
- (viii) entitlements under wills, trusts or other settlements.

### **What it Means**

#### **August 2016**

Sections 20(1) to 20(4) of the Regulations describe what an Officer should consider as earned and unearned income.

In order to determine an applicant's net monthly income, an Officer must consider all of the resources an applicant and his/her spouse receive during the month (money, net income, assets, gifts of money, gifts other than money, etc.). In order to complete an applicant's application for assistance, the Officer may also investigate the family's personal and financial information.

*For example, the Officer may make bank enquiries, ask for the applicant to provide copies of documents, or request to see a record of employment.*

#### **When Income is Counted - April 2014**

Income is counted when the applicant receives the money in hand.

*For example, if an applicant receives a cheque on March 28<sup>th</sup> and does not cash/deposit it until April 10<sup>th</sup>, the income would be received on April 10<sup>th</sup> and counted in the May assessment.*

**Lump Sum**

Lump sum payments must be considered income in the month that it is received, and any payments held in a financial institution may also be considered as income unless they are items listed in sections 20(6) or 20(7) of the Regulations.

**Income from an Incarcerated Spouse**

If an applicant and his/her dependants receive income from his/her spouse who is incarcerated, that income is included in the assessment.

**Net and Gross Income**

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

**Net Monthly Income**

An applicant's net monthly income is determined by reviewing the earned income, unearned income and income-in-kind.

**Earned Income**

Applicants with earned income are able to exempt \$200 if they are single and \$400 if they have dependants. An additional 15% exemption for any earned income above \$200 / \$400 exemption are also applied. These deductions are an incentive to be and stay employed.

*For example, a couple with dependants earns \$1,000 for salary and wages. They are allowed to exempt the first \$400, plus 15% of the remaining \$600. The total amount exempted will be \$490 (\$400 + 15% of \$600).*

Income from hunting, fishing, trapping or business operations approved by the Director is considered self-employment. If an applicant does not have official financial statements showing net income, he/she must prepare a statement showing his/her total income using the following formula:

***(Gross Income Earned) minus (Business Operating Expenses)***

The Officer also has discretion, on a case-by-case basis, to consider all, some or none of the net income from hunting, fishing, trapping or business operations. The Officer should speak with his/her Supervisor and Director in these situations.

**Mandatory Deductions**

An applicant's income is subject to the following deductions:

- Federal/Provincial/Territorial Income Tax
- Canada Pension Plan (CPP)
- Employment Insurance (EI)



- NWT Payroll Tax, and
- Union dues

An applicant can opt out of all other deductions with the exception of some superannuation and pension deductions. Employers should be contacted to verify whether the applicant could opt out of these deductions.

### ***Unearned Income***

Unearned income for the applicant's household is exempt, up to a maximum amount of \$1,200 in a 12-month period. The exemption can be taken as a lump sum amount, or be split into smaller amounts that do not exceed \$1,200 for the 12-month period.

The 12-month exemption period will not be the same for all applicants. Applicants who accessed Income Assistance in September 2007 will always have an exemption period that runs from September 1 to August 31. Applicants who access the program for the first time after September 2007 will begin their 12-month period in the month they began receiving assistance. Breaks in assistance will not impact the 12-month period.

*For example, a new applicant who receives assistance for the first time in November will always have his/her 12-month exemption period run from November 1 to October 31. On the other hand, a new applicant that receives assistance for the first time in September 2008 will always have his/her exemption period run from September 1 to August 31.*

Officers shall discuss with the applicant how the unearned exemption will be used. The use of the unearned exemption will be different for each applicant depending on the applicant's circumstances and it may require some longer term planning by the Officer and applicant.

*For example, see Scenario 1 and 2:*

#### **Scenario 1: August 2016**

*A couple with children, where one parent is receiving a monthly training allowance of \$300.00 and who receive no other unearned income may be better off exempting \$100 per month.*

#### **Scenario 2:**

*A single applicant expects that he/she will receive a GST cheque every 3 months and also expects to receive an Impact Benefit Agreement (IBA) payment of more than \$500, as well as many small gifts totalling \$50 each. For this applicant, it would be in his/her best interest to plan ahead and ensure that his/her GST, and IBA payments in excess of \$500, can be exempted before considering any small gifts.*

**Patronage Refunds - April 2014**

Income received as a result of patronage refunds will be included in the calculation of benefits as an unearned income as per S.20 (4)(d).

**Loans - February 2014**

Any payments received as a result of a loan agreement, either written or verbal, must be considered income in the month that it is received. The Officer may, on a case-by-case basis request confirmation of the purpose of the loan in order to submit a request to the Director to exempt the unearned income under s.20.(5)(e).

*For example, a person receives a loan of \$3,000 from a family member to pay arrears to the Housing Authority. A paid invoice from the Local Housing Authority confirms the reported intent of the loan. The CSO can request the Director to exempt this income based on the unusual circumstance.*

**Income Tax Notice of Assessment - January 2017**

All applicants are required to file their income tax each year and submit the following documents to the Officer:

- Proof that they filed their tax by the applicable Canada Revenue Agency (CRA) deadline (April 30<sup>th</sup> for individuals);
  - If an applicant applies for the first time or returns from a break in service after the CRA deadline, he/she must provide proof that he/she filed his/her tax within 60 days of applying for IA
- Proof of the date the refund was received, if applicable, and;
- Copy of the CRA Notice of Assessment within 60 days of the CRA deadline. If the applicant does not receive his/her NOA within this time frame a request should be sent to ClientCheck.
  - First time applicants or those who have had a break in service as per above, must provide the NOA within 60 days of filing their taxes
- Clients may redact the information that is not necessary for the IA program which include:
  - Line 448
  - Line 450
  - RRSP reduction limit

If applicants do not submit the above documentation by the required dates, their file will be considered to have missing information and the assessment cannot be completed until the information is received.

***Student Financial Assistance (SFA)/ Labour Market Development (LMD) Benefits – Revised February 2020***

Similar to IA benefits, the purpose of Remissible Loan/Supplementary Grant/LMDA living allowance benefits are to assist with an applicant's current month expenses. These benefits are included as income in the month they are intended for. For example, a student who receives a Supplementary Grant payment for the month of September would declare the income in the September IA assessment.

SFA and LMD are intended to assist with tuition, book, training, travel and living allowance expenses.

Applicants may receive IA benefits while waiting for their SFA application to be processed. In these cases the applicant must sign the Recovery of Duplicate Payment form.

***Exemption of Impact Benefit Agreement, Treaty, and Land Claim Payments under Income Assistance – August 2016***

In addition to the current unearned income exemption of \$1,200 per year per household, \$500 per adult, per calendar year of any Impact Benefit Agreement, Treaty, and Land Claim Payment received will be exempt.

***Inheritance or Gift from a Beneficiary of the Grollier Hall MOU, CEP or IRS Agreement – April 2015***

In the event that an applicant receives an inheritance or a gift from monies received under sections 20.(5) (f) through (h) of the Income Assistance Regulations, those monies are included in the calculation of benefits as unearned income as per section 20.(4)(l) respectively.

**Note**

An Officer should speak to his/her Supervisor if he/she is unsure if the financial resource should be considered income or if the deduction is considered mandatory.



## ***Section 2.13: Financial Resources – What Income is Not Counted?***

### **The Law**

20. (5) In calculating net monthly income under subsection (2) the following items shall not be included:

(a) the Canada Child Benefit paid by the Government of Canada and the NWT Child Benefit paid by the Government of Northwest Territories;

(a.1) survivor's benefits payable to a child under the Canada Pension Plan;

(b) the Child Disability Benefit, paid by the Government of Canada;

(c) contributions, other than for ordinary maintenance, that are determined in accordance with the direction of the Director to be paid or payable to the applicant or members of the family of the applicant who require special care;

(c.1) the value of any benefits received under the *Government of the Northwest Territories Medical Travel Policy 49.06*, including any meals provided by a medical institution health facility;

(d) payments determined in accordance with the direction of the Director to be paid or payable for the maintenance of a dependant adult;

(d.1) funds accumulated in or received from a registered disability savings plan as defined in subsection 146.4(1) of the *Income Tax Act* (Canada), and as referred to in paragraph 2(2) (b) of the *Canada Disability Savings Act*;

(e) money paid or payable that, in the opinion of the Director, having regard to the social and economic circumstances of the applicant, it would be unreasonable to include in the calculation of monthly income;

(e.1) payments made by the Director of Child and Family Services on behalf of a foster child;

(f) money paid or payable under the Memorandum of Understanding, dated April 30, 2002, between the 28 Claimants of Grollier Hall Residential School as identified in Appendix "A"

and the Government of the Northwest Territories, the Government of Canada and the Roman Catholic Episcopal Corporation of Mackenzie-Fort Smith, except money paid or payable as compensation for loss of income;

(g) money paid or payable as an advance payment on the Common Experience Payment as defined in the Agreement in Principle, dated November 20, 2005 between Canada, the Plaintiffs, the Assembly of First Nations, and the General Synod of the Anglican Church of Canada, the Presbyterian Church in Canada, the United Church of Canada and Roman Catholic Entities;

(h) money paid or payable under the Indian Residential Schools Settlement Agreement, dated May 8, 2006 between Canada, the Plaintiffs, the Assembly of First Nations and Inuit Representatives and the General Synod of the Anglican Church of Canada, the Presbyterian Church of Canada, the United Church of Canada and Roman Catholic Entities;

(i) money paid or payable under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid or payable under article 4.02 or 6.01 of Schedule A or under article 4.02 or 6.01 of Schedule B of that agreement;

(j) individual redress payments granted by the government of Canada to a person of Japanese ancestry;

(k) money paid or payable under the Merchant Navy Veteran Special Benefit;

(l) money paid or payable by the Workers' Safety and Compensation Commission, other than payments referred to in paragraph (4) (u);

(m) any other money that is considered, in accordance with the direction of the Director, to be paid or payable as compensation for pain and suffering.



(6) The following shall not be included as unearned income referred to in paragraph 20(4)(v):

- (a) the value of real property used as a residence of the applicant unless the property is, in the opinion of the Director, in excess of the reasonable needs of the applicant;
- (b) the value of real property and equipment necessary for the operation of a viable business of the applicant as determined by an economic development agency or the Director;
- (c) in respect of a person who has attained the age of 60 years, the value of assets up to a maximum of \$50,000;
- (d) in respect of a person who is disabled, the value of assets up to a maximum of \$50,000;
- (e) the value of materials or vehicles that are, in the opinion of the Director, reasonably required by the applicant for the purposes of hunting, trapping or fishing;
- (f) the value of household furnishings, appliances and clothing of the applicant that are, in the opinion of the Director, reasonably required by the applicant;
- (g) the value of a motor vehicle that is specially adapted to accommodate a physical disability of the applicant or his or her dependant;
- (h) the value of a motor vehicle as determined in accordance with the direction of the Director, other than a motor vehicle to which paragraph (e) or (g) applies;
- (i) the value of an asset purchased using money that is traceable to
  - (i) an item not to be included under subsection (5) in the calculation of net monthly income, or
  - (ii) allowable income referred to in subsection (7);

(j) money held in a bank or other financial institution by the applicant, up to a maximum of

- (i) \$300, if the applicant has no dependants, or
- (ii) \$300 plus a further \$100 for each dependant adult and a further \$80 for each dependant child, if the applicant has dependants;

(k) money that is held in a bank or other financial institution and that is traceable to an item not to be included under subsection (5) in the calculation of net monthly income;

(l) money held in trust for a child;

(m) money held in a Registered Education Savings Plan as defined in s.146.1 of the *Income Tax Act* (Canada);

(n) money that is held in a bank or other institution in a savings plan of a type approved by the Director;

(o) the value of an asset that, in the opinion of the Director, having regard to the social and economic circumstances of the applicant, it would be unreasonable to expect the applicant to convert into cash.

(7) For the purposes of subsection (2), allowable income is the total of

(a) \$200 of earned income for a calendar month in the case of an applicant who has no dependants, or \$400 of earned income for a calendar month in the case of an applicant who has one or more dependants;

(b) 15% of any earned income in excess of the applicable amount under paragraph (a); and

(c) unearned income of the applicant and his or her dependants for a calendar month, provided that the total amount of all monthly unearned income considered as allowable income under this subsection over a 12-month period does not exceed \$1,200.

**What it Means**

Section 20(5) to 20(7) of the Regulations describes types of income that are not included in the calculation of Income Assistance benefits (money, income, assets and gifts).

The Regulations list all income and assets that are not to be included. Refer to the Regulations.

***Agricultural Benefits Claim –April 2018***

The Director has excluded the value of any benefit issued by the Federal Government of Canada that is directly related to the Agricultural Benefits Claim under Section 20.(5)(e) of the Regulations.

***Food Bank - February 2014***

The Director has excluded the value of goods received from food banks and hampers under Section 20.(5)(e) of the Regulations.

***Fostering Dollars***

The income obtained for fostering children will not be included as unearned income. The foster child(ren) will not be included in the assessment.

If a foster parent applies for Income Assistance the Officer must contact Health and Social Services.

***Homelessness Assistance Fund (HAF) – November 2017***

The Director has excluded the value of any assistance issued by Government of the Northwest Territories Housing Corporation that is directly related to the HAF under Section 20.(5)(e) of the Regulations.

***Household Income: 18 years Old & Under – Revised January 2017***

When a dependant is under the age of 19, any income earned from employment and unearned income from an Income Tax return or GST rebate will be exempt.

***Investigation***

When determining the family's net monthly income, an Officer **must** consider all of the applicant's resources (money, net income, assets, gifts of money or gifts other than money) to determine what to include.

The Officer may also investigate a family's personal or financial information to complete the applicant's application for assistance.

*For example, the Officer can ask the applicant to provide copies of any documents, or make a bank inquiry.*

***Maintenance Orders/Child Support – August 2016***

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

***Medical Travel – Revised January 2018***

The value of airline tickets and any assistance related to Medical Travel benefits, as well as food received while hospitalized, issued by Government of the Northwest Territories Medical Travel is exempted under Section 20.(5)(c.1) of the Regulations.

***Per Diem Allowances – February 2014***

The Director has excluded per diem allowances under Section 20.(5)(e) of the Regulations. The per diem allowance for accommodations and food allowance will not be considered earned or unearned income.

***Registered Disability Savings Plans (RDSP)***

A RDSP is a savings plan to help parents 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 earned or unearned income when calculating the needs assessment for Income Assistance. The RDSP is considered excluded income. These funds are reportable but not assessable.

To assist applicants with more information about RDSPs refer to Canada Revenue Agency's website <http://www.cra-arc.gc.ca/tx/rgstrd/rdsp/menu-eng.html>

***Senior Home Heating Subsidy –February 2017***

The Director has excluded the value of goods, or monies received through the Senior Home Heating Subsidy under Section 20(5)(e).

The CSO must ensure that there is no duplication of benefits. Therefore, if an IA applicant has received the SHHS in the same month that they have applied for IA, the applicant is not eligible to receive the fuel allowance, but may be assisted with other needs.

***Tuition, books, travel and fees issued under SFA and LMA –Revised February 2020***

The Director has excluded the value of any benefit issued for tuition, books, travel and fees received from the SFA program or LMA under Section 20. (5)(e) of the Regulations as long as the CSO has obtained a confirmation by way of an email from the Student Case Officer or Career Development Officer.



Please note that any living allowance benefits issued from SFA or LMA must be counted in a client's assessment.

***Victims of Crime Emergency Fund - April 2014***

The Director has excluded all financial assistance received through the Victims of Crime Emergency Fund delivered by the GNWT Department of Justice under Section 20.(5)(e) of the Regulations.



## ***Section 2.14: Medical Certificates – Income Assistance Medical Forms***

### **The Law**

21. An Officer may, at any time the Officer considers it necessary, require a medical certificate setting out the condition of health of an applicant as an aid in determining the

applicant's employability or ability to participate in an activity or program referred to subsection 13.1(6).

### **What it Means**

Section 21 of the Regulations states that an Officer can ask a health care professional to determine whether an applicant is employable or can participate in a productive choice.

### ***Medical Certificates***

Form D - Disability Assessment must state the health conditions of the applicant so that the Officer can decide whether the applicant is able to participate in a productive choice. Depending on the medical condition, the applicant may be considered to have a short-term condition or a permanent disability of 12 months or more.

*For example, a Disability Assessment for an applicant who has a broken leg would state that he or she is unable to participate in employment due to a short-term condition. The applicant could then be exempt from all or certain types of productive choices for that period of time.*

### ***Canada Disability Pension or Benefit***

If an applicant is receiving a Canada Pension or Benefit for a disability, the Officer does not need to ask for a disability assessment to be completed because the federal government has completed a thorough review of the applicant's disability. Proof that the monthly benefit is being received provides enough evidence of a disability.

### ***Accepting Form D - Disability Assessment***

Income Assistance Form D - Disability Assessment **must** be faxed directly from a health care professional's office. Officers should not accept medical forms handed in by applicants.

### ***Renewing an Income Assistance Medical Form***

Form D - Disability Assessment must include an end date, or a date when the applicant can return to work for applicants with a short-term medical concern. If the form has reached its end date, the applicant must provide an updated form to be exempt from participating in a productive choice while receiving Income Assistance.



*For example, the applicant has a broken leg and the doctor wrote a note stating that the applicant could not work from July 1 to October 31, 2007. If the applicant claims he/she cannot return to work because of pain, he/she must submit another Form D – Disability Assessment before being exempt from a Productive Choice and enhanced benefits are issued for November 1, 2007.*

Applicants whose medical practitioners have indicated that the disability is permanent do not need to renew the forms or assessments.

***Disabled Allowance***

In order to qualify for the disabled allowance, applicants must have Form D - Disability Assessment completed. In order to qualify, applicants must meet the Income Assistance definition of a disabled person.

*For example, an applicant who provides Form D - Disability Assessment every four months for a year is not eligible for the disabled allowance retroactively or at the 12-month period.*

*For example, an applicant waiting for an organ transplant or receiving cancer treatments could be considered disabled. The Officer must review the assessment with their Supervisor.*



## ***Section 2.15: Recovery of Assistance – Taking Money Back***

### **The Law**

22. 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 his or her failure to disclose income or assets.

### **What it Means**

Section 22 of the Regulations indicates that a Director **may** recover Income Assistance given to an applicant or his/her dependants 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 and their dependants on a case-by-case basis. The Director has issued a blanket policy that allows the Officer to recover assistance on amounts under \$2,500 without case-by-case Director's approval. Any amount of \$2,500 and over must be presented to the Director for approval.

### ***What is a Debt?***

A debt is money an applicant received above the amount he/she and his/her dependants were entitled to receive.

### **August 2016**

Security deposits are considered debts therefore the applicant must immediately begin repayment of their security deposit. For more information, refer to Section 4.5 – Security Deposits – Rent or Utilities, of this manual.

### ***Collection of the Debt***

#### **Revised March 2017**

The minimum amount an Officer can collect from an applicant who has an overpayment with the IA Program is \$25 a month, regardless of the amount outstanding. If an applicant requests that more than \$25 be deducted from his/her IA per month, he/she must provide a written and signed request, including the amount he/she wishes to have deducted per month.

If an applicant has an outstanding overpayment and recoverable need, \$25 per debt shall be deducted from his/her IA, totalling \$50 minimum deduction per month.



### August 2016

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

If either the applicant or co-applicant wishes to incur 100% of the overpayment debt, that person must provide a written and signed request; including the amount he/she wishes to have deducted per month.

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

The Officer must apply the Furnishings Allowance to any outstanding overpayment balance. The deduction follows the same percentage split for co-applicants established at the creation of the overpayment.

Inactive clients who are no longer receiving assistance after 5 consecutive months will receive a Notice of Overpayment letter from the Income Security Programs Division. Within the 6 month, inactive clients will be invoiced for the full outstanding debt by the Department of Education, Culture and Employment. Clients who remain inactive for 10 months and have not made payment arrangements will have their debt forwarded to Financial Reporting and Collections with the Department of Finance.

### ***Time Limited 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 2000 an applicant living common-law did not claim the spouse when applying for IA. This fraud was not discovered until 2005 - five years later. The debt is still recoverable.*

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

### **Note**

Officers must be careful not to collect money twice when considering recoveries.

*Example, an applicant received Employment Insurance from the Federal Government that he/she should not have received and did not report. The Federal Government realized the error and begins to recover the funds. The Officer should not consider the unreported benefit as an overpayment. If an Officer did, the applicant would be repaying the benefit twice – once to IA and once to the Federal Government.*



## ***Section 2.16: Voluntary Repayment of Assistance***

### **The Law**

23. Any person who has received assistance may repay such assistance and the moneys so received shall be deposited in the Consolidated Revenue Fund.

### **What it Means**

Section 23 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, he/she no longer need assistance. This Regulation allows applicants to pay back some, or all of the assistance they received. The Officer can receive the payment but must forward it to the Supervisor.

It does not deal with applicants who have debts or security deposits.

*For 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 he/she has received during May to September.*



## ***Section 2.17: Alienation or Transfer of Assistance - Applicant Owes Money to a Third Party***

### **The Law**

24. 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 24 of the Regulations explains that assistance given to an applicant and his/her dependants 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 is 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.

*For example, a bank cannot take an applicant's assistance to pay an overdraft or other debt. A collection agency cannot take an applicant's assistance to pay an outstanding invoice.*

### **Notes**

1. When advising applicants about direct deposits as a payment option, an Officer shall always speak with the applicant to ensure the applicant understands that if he/she has 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. In the event that this does not result in the applicant receiving his/her Income Assistance back, the Director should be contacted.



### **SECTION 3: SCHEDULE A – BASIC BENEFITS**

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This section of the Regulations lists the types of basic benefits that applicants and their dependants may receive.

The following are some general instructions when administering basic benefits.

#### ***Decline of Benefits***

If an applicant does not want a benefit that he/she is entitled to, the Officer must receive written confirmation from the applicant.

*For example, the applicant chooses not to receive an allowance for food. The applicant must indicate in writing that he/she does not wish to receive it.*

#### ***Reduction of Benefits***

If an applicant only wants a portion of the benefit that he/she is entitled to, the Officer must receive the request in writing from the applicant.

#### ***Sharing the Costs***

If an applicant and his/her dependants are sharing the premises with other individuals, the rent and utility (power, water, sewer) costs are prorated by the number of separate adults living within the residence.

*For example, a single applicant is sharing a house with a couple also on Income Assistance and another single person who is not receiving Income Assistance. The rent and utility (power, water, sewer) costs would be divided by four, and each adult receiving Income Assistance would be eligible to receive one-fourth of the assistance.*



## ***Section 3.1: Food Allowance***

### **The Law**

1. (1) Assistance in the form of a food allowance may be provided to persons in need in accordance with the Maximum Monthly Food Allowance Table set out in this Schedule that shows maximum scales in force in various settlements of the Northwest Territories.

### **What it Means**

Section 1.(1) of Schedule A sets the rates of the food allowance available to applicants depending on the number of adults, mature children and where the applicants lives. This allowance is for the purchase of food as well as cleaning and personal products.

### ***Custody of Children – August 2016***

A food allowance is affected by an applicant's arrangement to share custody of a mature child with another parent. The applicant should not receive a food allowance for that mature child when the mature child is not in his/her custody.

In cases of shared custody, the food allowance is prorated based on the number of days the applicant has the child(ren) in their custody.

*For example, an applicant has custody of his/her mature child(ren) for 14 days every month. The applicant is eligible for prorated food allowance for 14 days for his/her mature child(ren).*

**August 2016**

Use the following food allowance table:

Food Allowance for Adults and Mature Children					
Community	1	2	3	4	Each additional
Aklavik	585	818	994	1,169	176
Behchokò	482	676	821	966	145
Colville Lake	717	1,004	1,220	1,435	216
Délne	649	908	1,102	1,297	195
Dettah/Ndilo	343	480	582	685	103
Enterprise	374	524	636	749	113
Fort Liard	515	721	876	1,031	155
Fort McPherson	554	775	941	1,108	166
Fort Providence	438	613	744	875	131
Fort Resolution	463	648	787	925	139
Fort Simpson	483	676	821	967	145
Fort Smith	391	548	666	783	118
Gamètì	453	634	770	906	136
Hay River	429	601	729	858	129
Inuvik	493	690	838	986	148
Jean Marie River	490	686	833	981	147
K'ásho Got'iné	658	921	1,119	1,317	198
K'at'l'odeeche	374	524	637	749	112
Kakisa	439	613	745	877	132
Łutselk'e	613	857	1,041	1,224	184
Nahanni Butte	529	741	900	1,059	159
Norman Wells	639	894	1,086	1,277	192
Paulatuk	695	973	1,181	1,390	209
Sachs Harbour	632	883	1,073	1,262	190
Sambaa K'e	519	727	883	1,039	156
Tsiigehtchic	602	843	1,024	1,205	181
Tuktoyaktuk	611	854	1,038	1,222	184
Tulita	643	901	1,093	1,286	193
Ulukhaktok	654	916	1,112	1,309	197
Wekweètì	587	821	997	1,174	176
Whatì	520	727	884	1,040	156
Wrigley	543	759	924	1,086	163
Yellowknife	343	480	582	685	103



## **Section 3.2 Community Cost Adjustment**

**August 2016**

### **The Law**

8. In order to provide additional resources for family expenditures made in communities outside Yellowknife, Dettah and Ndilo, an amount may be provided to a person in need

who has dependent children in accordance with the Community Cost Adjustment Amount Table set out in this Schedule.

### **What it Means**

Section 1. (6) of Schedule A sets the rates of the Community Cost Adjustment allowance available to clients depending on the number of children and where the clients lives. This allowance provides additional resources for family expenditures and is based on price differences between NWT communities and Yellowknife.

### ***Custody of Children***

The community cost adjustment is affected by an applicant's arrangement to share custody of a child with another parent. The applicant should not receive a community cost adjustment for that child when the child is not in his/her custody.

In cases of shared custody, the community cost adjustment is pro-rated based on the number of days the applicant has the child(ren) in their custody.

*For example, an applicant has custody of his/her children for 14 days every month. The applicant is eligible for prorated community cost adjustment for 14 days for his/her child(ren).*



Community Cost Adjustment Amount Table- FOR CHILDREN ONLY												
Community	1	2	3	4	5	6	7	8	9	10	11	12
Aklavik	80	160	240	320	400	480	560	640	720	800	880	960
Behchokò	43	85	128	170	213	255	298	340	383	425	468	510
Colville Lake	121	243	364	485	606	728	849	970	1,091	1,213	1,334	1,455
Déline	100	200	300	400	500	600	700	800	900	1,000	1,100	1,200
Dettah/ Ndilo	0	0	0	0	0	0	0	0	0	0	0	0
Enterprise	11	23	34	45	56	68	79	90	101	113	124	135
Fort Liard	54	108	161	215	269	323	376	430	484	538	591	645
Fort McPherson	70	140	210	280	350	420	490	560	630	700	770	840
Fort Providence	31	63	94	125	156	188	219	250	281	313	344	375
Fort Resolution	40	80	120	160	200	240	280	320	360	400	440	480
Fort Simpson	45	90	135	180	225	270	315	360	405	450	495	540
Fort Smith	16	33	49	65	81	98	114	130	146	163	179	195
Gamètì	35	70	105	140	175	210	245	280	315	350	385	420
Hay River	28	55	83	110	138	165	193	220	248	275	303	330
Inuvik	50	100	150	200	250	300	350	400	450	500	550	600
Jean Marie River	46	93	139	185	231	278	324	370	416	463	509	555
K'ásho Got'iné	103	205	308	410	513	615	718	820	923	1,025	1,128	1,230
K'atl'odeeche	15	30	45	60	75	90	105	120	135	150	165	180
Kakisa	35	70	105	140	175	210	245	280	315	350	385	420
Łutselk'e	85	170	255	340	425	510	595	680	765	850	935	1,020
Nahanni Butte	63	125	188	250	313	375	438	500	563	625	688	750
Norman Wells	98	195	293	390	488	585	683	780	878	975	1,073	1,170
Paulatuk	115	230	345	460	575	690	805	920	1,035	1,150	1,265	1,380
Sachs Harbour	94	188	281	375	469	563	656	750	844	938	1,031	1,125
Sambaa K'e	59	118	176	235	294	353	411	470	529	588	646	705
Tsiigehtchic	86	173	259	345	431	518	604	690	776	863	949	1,035
Tuktoyaktuk	88	175	263	350	438	525	613	700	788	875	963	1,050
Tulita	99	198	296	395	494	593	691	790	889	988	1,086	1,185
Ulukhaktok	95	190	285	380	475	570	665	760	855	950	1,045	1,140
Wekweètì	79	158	236	315	394	473	551	630	709	788	866	945
Whatì	59	118	176	235	294	353	411	470	529	588	646	705
Wrigley	65	130	195	260	325	390	455	520	585	650	715	780
Yellowknife	0	0	0	0	0	0	0	0	0	0	0	0



### ***Section 3.3: Accommodation – Rent or Mortgage***

#### **The Law**

5(1) A rental accommodation allowance to a maximum amount equal to the actual cost of rental accommodation may be provided in accordance with the direction of the Director.

(1.1) For greater certainty, no allowance is available under subsection (1) in respect of any transient living accommodation provided in a hotel, motel, hostel or other similar tourist establishment.

(2) If a recipient resides in accommodation for which a subsidy is normally available, the allowance must not exceed the minimum rental rate for the unit.

(3) If a person in need owns his or her own home, a monthly allowance may be paid which is sufficient to cover current taxes, home insurance and other assessments, but the total allowance must not exceed the rental allowance that would otherwise be provided.

(4) If a person in need is making mortgage payments on his or her own home, a monthly allowance may be paid which is sufficient to cover current taxes, interest on a mortgage, principal, fire insurance and other assessments, but the total allowance for these items must not exceed the rental allowance which would otherwise be provided.

#### **What it Means**

Section 5. (1) to 5. (4) of Schedule A explains what an applicant and his/her dependants can receive as assistance for accommodation. Accommodation includes rent (building and land), mortgage (building and land), taxes and insurance.

#### **Note - New February 2020**

Accommodation does not include transient living accommodations.

#### ***Accommodation Allowance – Revised April 2018***

An applicant and his/her family who are renting must provide proof that their names are on the wait list for low cost housing. If their names are on the list, an accommodation allowance can be issued.

The Canadian National Occupancy Standard (CNOS) assesses the bedroom requirements of any given household and provides criteria to determine a suitable housing standard. Accommodation allowance will be granted in accordance with the suitable housing standard as determined by CNOS.

*For example:*

- *a couple with one dependant would require a maximum of a 2 bedroom unit.*
- *a single applicant would qualify for a room rental or bachelor apartment.*

#### ***Rent Increases – Revised October 2019***

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 3 months written notice



before the rent increase is to be effective. Applicants must provide a copy of the written notice to the Officer before an increase in rent will be approved.

To assist applicants with more information on the *Residential Tenancy Act* refer to the Department of Justice website at <https://www.justice.gov.nt.ca/en/rental-agreements/>

### ***Unreasonable Accommodation Costs – April 2018***

Unreasonable Accommodation Costs are defined as 20% more than the published Canada Mortgage Housing Corporation Rental Market Report. The Market Report is published annually and provides information on monthly average rents.

All cases of unreasonable costs must be approved by the Director.

### ***Low Cost Housing Waitlist***

If an applicant's name is not on the list for the following reasons, the Director, through the Supervisor, must be contacted to determine assistance on a case-by-case basis:

#### **1. Residency**

Often Local Housing Organizations (LHO) have a residency requirement and applicants and their families who have just moved to the community are on a wait list to apply. These applicants are entitled to full market rent until they are eligible to apply for low cost housing. The CSO must monitor the application process.

#### **2. Arrears to LHOs**

Any outstanding debt or arrears an applicant has are not a need under the Income Assistance Program.

In order to be considered for the low cost housing wait list, applicants who have arrears with a LHO must sign and honour a repayment plan for a minimum of six months. In order to consider payment of rental allowance, the applicant must enter into a repayment agreement with the LHO and sign the Payment Authorization to a Third Party form, allowing the Officer to make payment from the applicant's Income Assistance benefits, directly to the LHO for arrears.

#### **3. Utility Arrears**

Any outstanding debt or arrears an applicant has are not a need under the Income Assistance Program.

In order to be considered for the low cost housing wait list, applicants cannot have arrears with a utility agency. In order to consider payment of rental allowance, applicants who have arrears with a utility agency must enter into a



repayment agreement with the utility agency until the arrears are paid in full. The applicant must also sign the Payment Authorization to a Third Party form, allowing the Officer to make payment from the applicant's Income Assistance benefits, directly to the utility agency for arrears.

***Rent to Parents – Revised October 2019***

Rent can be paid to a parent on behalf of an adult child if the dwelling is a separate living quarters approved as a secondary suite in accordance with the local municipality. The parents must have a lease signed with the adult child and he/she must be on the wait list for low cost housing. If an applicant is unable to provide confirmation of an approved secondary suite, the Director, through the Supervisor, must be contacted to determine assistance on a case – by – case basis.

Rent will not be paid to parents on behalf of an adult child when the parents and child are living within the same living quarters, owned by the parents. However, in these cases the adult child's portion of the utilities can be paid on his/her behalf.

If the parent is in low cost housing or a market rental accommodation the adult child must be added to the lease before utilities and his/her portion of the rent is paid.

***Rent to Children - Revised October 2019***

Rent can be paid to an adult child on behalf of a parent(s) 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 parent(s) and he/she must be on the wait list for low cost housing. If an applicant is unable to provide confirmation of an approved secondary suite, the Director, through the Supervisor, must be contacted to determine assistance on a case – by – case basis.

Rent will not be paid to the adult child on behalf of a parent(s) when the parent(s) and child are living within the same living quarters, owned by the adult child. However, in these cases parent(s)'s portions of utilities can be paid on his/her behalf.

If the child is in low cost housing or a market rental accommodation the parent(s) must be added to the lease before utilities and his/her portion of the rent is paid.

***Community Support Applicants – April 2014***

Rent may be provided to a parent (the landlord) when he/she has an adult disabled child (the applicant) residing with them who requires assistance with daily living activities. The applicant must be on the wait list for low cost housing.

Applicants may seek an exemption from the Director to the requirement of being on the wait list of low cost housing. The applicant must provide written verification from a medical professional stating that he/she **must** reside with his/her parents due to



medical reasons and that the only other suitable accommodations for the applicant would be a supported living environment, such as a special or long-term care facility.

***Market Rent for Families in a Plan of Care – Revised July 2018***

The accommodation allowance will not be immediately reduced when a child(ren) are apprehended if he/she is involved in a plan of care with the Department of Health and Social Services (H&SS) and that plan includes the child(ren) will be returned to the parent(s).

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

When the individual resides in low cost housing, the individual would be placed on a transfer list for an appropriate sized unit. While waiting for a transfer to the smaller sized unit, the individual would continue to be housed and accommodation paid in the larger unit.

When a Plan of Care is in place, the individual must be in the Productive Choice category 'Wellness' with CMAS notes to document the situation.

***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.

***Low Cost Housing – Revised April 2019***

The NWT HC considers all income in the household of household members 19 and over, including IA, when calculating rent. The NWT HC determines rent based on the applicants previous years gross income as per line 150 on the current Canada Revenue Agency (CRA) Notice of Assessment (NOA).

The amount of subsidy provided to an applicant and the cost of his/her minimum monthly rent is determined by the LHO based on the individual's annual income, the community where he/she reside, and the size of the unit.



Minimum monthly rent that each individual applicant pays is based on the following table:

Monthly Income	Monthly Rent		
	Zone A	Zone B	Zone C
< \$1,667	\$80	\$75	\$70
\$1,667 - \$2,499	\$160	\$150	\$140
\$2,500 - \$3,749	\$365	\$345	\$325
\$3,750 - \$4,999	\$610	\$580	\$555
\$5,000 - \$6,674	\$890	\$845	\$790
\$6,675 - \$8,333	\$1,295	\$1,230	\$1,155
\$8,334 or More	\$1,625	\$1,545	\$1,445

Zone	Communities
A	Fort Simpson, Fort Smith, Hay River, Inuvik, Norman Wells and Yellowknife.
B	Behchokò, Dettah/ Ndiłò, Enterprise, Fort Liard, Fort Providence, Fort Resolution, Gamètì, Jean Marie River, Kakisa, K'atl'odeeche , Nahanni Butte, Sambaa K'e, Wekweètì, Whatì, and Wrigley.
C	Aklavik, Colville Lake, Délı̄ne, Fort McPherson, K'ásho Got'iné, Lutselk'e, Paulatuk, Sachs Harbour, Tsiigehtchic, Tuktoyaktuk, Tulita, and Ulukhaktok.

Applicants are required to bring their Rent Calculation Sheet to their Officer. In the event that the applicant does not have the Rent Calculation, the Officer will not hold back issuing IA for other benefits but will not add a rental need until the Rent Calculation Sheet is submitted.

***Low Cost Housing: Shared Accommodation:***

In cases where applicants share low cost housing units with non-IA applicants, or other IA applicants, IA will pay the applicable rent in accordance with the IA applicants' annual income as determined by the current CRA NOA.



To determine the IA applicant's portion of the rent, the Officer will use the following steps:

- Determine applicants net income using line 236 of the NOA
- Divide line 236 by 12 to determine monthly income
- Refer to the Public Housing Rent Scale to determine the amount of rent the applicant is eligible for based on their income and the zone in which they reside.

If the total monthly rent is assessed at the minimum rent for that zone, rent must be divided between the adults in the home.

*For example:*

- *Two roommates reside together in Fort McPherson and rent is assessed at \$70 per month.*
  - *Household member A is not on IA.*
  - *Household member B is on IA.*
  - *Household member A and B would pay \$35.00 each per month.*
- *Two roommates reside together in Whatì and rent is assessed at \$345 per month.*
  - *Household member A is on IA and their annual income is \$11,760. Their monthly income is \$980.*
  - *Household member B is not on IA.*
  - *Household member A pays \$75 per month.*
  - *Household member B is responsible for the remainder.*
- *Three roommates reside together in Yellowknife and rent is assessed at \$610. per month.*
  - *Household member A is on IA and their monthly income is between \$1,667-\$2,499*
  - *Household member B is on IA and their monthly income is <\$1,667*
  - *Household member C is not on IA.*
  - *Household member A would pay \$160per month.*
  - *Household member B would pay \$80 each per month.*
  - *Household member C would be responsible for the remainder.*

***Low Cost Housing - Voluntarily Vacating/Declining Units - Revised January 2017***

Applicants who voluntarily vacate or decline a low cost housing unit anytime within the previous 6 months of the current assessment, are not eligible for rental assistance above the minimum monthly rent they would be charged if they resided in the unit. This is in accordance with Section 1.1.(2)(g) of the Income Assistance Regulations,



which states that applicants must utilize all of the financial resources available to them. The subsidized rent available in low cost housing units is considered a financial resource.

If there is a valid reason why an applicant vacated or declined a low cost housing unit the Director can decide on a case-by-case basis what assistance, if any, an applicant will receive for rent.

*For example:*

- A first time applicant
- An applicant who has had a break in service for more than six months

***Reassessment of Public Housing Rent Calculation - August 2016***

If an applicant's income decreased from the previous year, the Officer 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.

***Low Cost Housing – Applicant Removed from Wait List - August 2016***

Once the applicant's name is on the low cost housing waiting list, it is their responsibility to ensure their name remains on the list. Applicants whose names are removed from the low cost housing wait list will not qualify for market rent until their names are back on the low cost housing wait list in accordance with Section 1.1.(2)(g) of the Income Assistance Regulations, which states that applicants must utilize all of the financial resources available to them. The subsidized rent available in low cost housing units is considered a financial resource.

***If an Applicant is Residing in a NWTHC HELP Unit - August 2016***

The Northwest Territories Housing Corporation (NWTHC) Homeownership Entry Level Program (HELP) involves tenants leasing units at affordable standardized rents and tenants are responsible for paying utilities. Within the first four years of leasing the tenant may purchase the unit or their rental lease may be extended however the rent amount will increase.

If an IA applicant is a HELP tenant, the rental assistance amount may only be paid if the applicant is on the low cost housing wait list.

***Owns a Home - August 2016***

If a person in need owns his/her home without a mortgage, a monthly allowance may be paid to cover current taxes, home insurance and other assessments.

Allowances may also be provided to assist with trailer lot rental fees for an applicant or Applicants who own a trailer.



Applicants who reside on Commissioners Land from the Department of Lands or the NWT HC may qualify for a monthly allowance to assist with the cost of the land lease. However, the total monthly allowance shall not exceed the rental allowance the applicant may be eligible to receive.

If a person in need owns his/her home and other adults living with them are paying rent, the rent collected would be considered an income.

***Proof – Home Ownership and Landlords – July 2014***

Applicants must provide proof that they own their home. A Certificate of Title is the common document to show proof of 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 the 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 leasee, along with a copy of the rental or lease agreement the landlord provides to the leasee. 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 leasee.

***Mortgage – December 2013***

An Officer may issue mortgage assistance for up to three months in an applicant's life time. This practice is linked to the Regulations, Section 20. (4)(v), where an applicant is required to realize all assets that can be turned into cash within 90 days. This means the applicant must sell his/her home (the asset) and use the cash received from this sale to meet any of his/her financial needs.

Where a person in need is making mortgage payments on his or her 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 rental allowance which would otherwise be provided.

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

***Payment of Taxes, Insurance and Other Assessments – October 2014***

As per Regulation 5.(3) and 5.(4), a **monthly** allowance may be paid for taxes, insurance and other assessments. Applicants cannot receive payment for these types of costs on a quarterly or yearly basis, regardless of the service provider's payment



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

***Transient Living Accommodation - Revised February 2020***

Rent allowance is not provided to persons who reside in emergency shelters, hotels, motels, hostels or other tourist establishments.

***Custody of Child***

An accommodation allowance is not affected by an applicant's arrangement to share custody of a child with another parent.



## Section 3.4: Room and Board

### The Law

4. (1) An allowance for room and board may be provided to or on behalf of persons in need at local rates in accordance with the direction of the Director.

### What it Means

Section 4.(1) of Schedule A sets out the rules for an applicant and his or her dependants to receive assistance for Room and Board. Room and Board fees include food, accommodations, fuel, and utilities.

### ***Single Applicant - Revised April 2018***

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) Guidelines with consideration given to the cost of food and utilities in a given community. In order to qualify for Room and Board, applicants must be on the low cost housing wait list.

### ***Care Facilities - April 2014***

Applicants who reside in assisted living accommodations, such as special care homes or long term care facilities are eligible for Room and Board. Applicants in these situations are **not** required to be on the wait list for low cost housing.

The Department of Health and Social Services set annual rates in April of each year. Contact your Supervisor to confirm amounts.

### ***Respite Care Costs - April 2014***

Applicants who are temporarily accessing respite care services are eligible for Room and Board. The Department of Health and Social Services set these rates. Contact your Supervisor to confirm amounts.

### ***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.



### ***Section 3.5: Fuel Allowance – Wood, Wood Pellets, Oil, Gas or Propane***

#### **The Law**

6. An allowance may be provided to a person in need for the actual cost of fuel required for heating and cooking purposes.

#### **What it Means**

Section 6 of Schedule A explains how much an applicant and his/her dependants can receive to pay for heating or cooking fuel.

#### ***Issuing the Fuel Allowance***

The Officer pays for the actual cost of an applicant and his or her dependants' fuel.

#### ***Method of Payment Revised October 2019***

The applicant provides his/her fuel invoice or the fuel agency issues the invoice directly to the Officer, and the Officer 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. Actual cost of fuel does not include arrears and/or interest.

Prior to approving a wood benefit, the Officer must confirm the wood supplier has a Commercial Cutting permit or license.

A timber load ticket must be submitted to the Officer.

Note: Documentation is not required for wood cut or sold with Tłı̨chǫ territory.

For more information, visit the Forest Management Regulations:

<https://www.justice.gov.nt.ca/en/files/legislation/forest-management/forest-management.r2.pdf?t1569860414956>

#### ***Payment of Fuel/Wood for Shared Accommodations – Revised April 2018***

The Officer is to authorize and pay the cost of one (1) full tank of fuel per household, per month regardless of the number of household members. If the applicant is receiving wood or wood pellets, the Officer is to authorize and pay the cost of no more than two (2) cords or one (1) skid of pellets, per household, per month regardless of the number of household members.



Applicants who require more than one (1) tank of fuel, or two (2) cords of wood, or one (1) skid of pellets per month must submit a request for Director's approval to issue additional fuel, wood or wood pellets.

In situations where there are two or more applicants in the same residence receiving IA, the Officer is to consult with the Supervisor to determine how to allocate the fuel/wood need in CMAS. Fuel benefits may only be accessed through one Income Security Program per household in an assessment month.

*For example: An IA client residing with a homeowner is requesting a fuel allowance. The home owner is accessing Senior Home Heating Subsidy (SHHS). The IA client is not eligible for fuel benefits until such time as the SHHS has been fully used.*

### **Unreasonable Costs**

If unreasonable costs occur periodically, the Officer must investigate. Unreasonable is defined as 25% more than the monthly average in a community, over a period of three continuous months, or any five-month period within a calendar year.

The Officer may also provide less than the actual heating or cooking fuel costs if the actual cost is higher than the average of a community. Before an Officer assists with less than the actual costs, the Officer 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 more information, visit: <http://www.oee.nrcan.gc.ca> or <http://aea.nt.ca/>

An Officer must consult with his/her Supervisor and the Director before an applicant's fuel allowance is reduced to an average for the community.



### ***Section 3.6: Utilities Allowance – Power, Water and Sewer***

#### **The Law**

7. An allowance may be provided to a person in need for the actual cost of light, water and sewage services required.

#### **What it Means**

Section 7 of Schedule A states that an applicant and his/her dependants can receive assistance to pay for power, water and sewage services.

#### ***Issuing the Utilities Allowance – Revised April 2019***

The Officer pays for the actual cost of an applicant and his or her dependants' power, water, and sewage services. The need is based on the due date of the utility invoice.

*For example, if the utility invoice has a payment due date of January 3, 2014, it is included as a need in the January 2014 assessment.*

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

#### ***Method of Payment***

The applicant provides his/her utility invoice, or the utility agency issues the invoice directly, to the Officer, and the Officer issues the payment. Payment should be made in the month that the utility bill is due.

As the Regulations refer to paying for the actual cost of utilities (light, water and/or sewage), a payment other than for the actual cost of utilities (light, water and/or sewage) can only be considered if the applicant agrees in writing. The actual cost does not include arrears or interest on those arrears.

#### ***Unreasonable Costs - Revised April 2018***

If unreasonable costs occur, the Officer must investigate. Unreasonable is defined as 25% more than the monthly average in a community, over a period of three continuous months, or any five-month period within a calendar year. An Officer must consult with his/her Supervisor to determine the monthly average in the community.

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

**Payment Plan**

A payment other than for the actual costs, such as a payment plan, can only be considered if the applicant agrees in writing.

**Name on Utility Invoice – Revised April 2019**

The name on the utility invoice must be the applicant's, co-applicant, registered landlord or homeowner in order for the Officer to pay the utility costs.

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

If the applicant is sharing the accommodation, and the name on the invoice is the registered landlord, the applicant's portion can be paid.

*For example, if there are two people living in the accommodations, the cost of utilities is divided by two, and the Officer pays for the applicant's share.*

**Public Housing and Power Rebates**

Tenants of some housing authorities may receive a power rebate, which is credited to their rent account. Therefore, their rent may be less than shown on their rental statement. Officers should contact the local housing authority manager for more information. A power rebate is not considered income.



## **SECTION 4: SCHEDULE B – ENHANCED BENEFITS**

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### *November 2013*

This section of the Regulations lists the types of enhanced benefits that applicants, and in some cases their dependants, may receive. Enhanced benefits are clothing, incidentals and allowances for the disabled and elderly, primary, secondary and postsecondary educational expenses, furnishings, security and utility deposits, emergency expenses, child care, and record suspension application fees.

### ***Who Qualifies?***

Enhanced benefits are provided to the applicant, who is participating in a productive choice or to an applicant who is exempt from participating in a productive choice.

Enhanced benefits are provided to the family if the adults in the household are participating in a productive choice. If eligible, applicants can receive both basic and enhanced benefits.

### ***Where is the Benefit paid to?***

The benefit is payable to the applicant, or on behalf of the applicant, to the person, business, landlord, government or agency of the applicant's choice. It is up to the applicant to decide to whom the benefit will be paid. A request to pay someone other than the applicant must be in writing from the applicant.

### ***Bi-monthly Payment of Benefits***

The benefits for clothing, disabled, aged and education allowances can be paid on a bi-monthly basis at the applicant's request.

The yearly benefit for furnishings can be prorated throughout the year at the applicant's request.

### ***Applicants Temporarily Leave the NWT for Medical Reasons – Revised January 2018***

When applicants temporarily leave the NWT to receive medical treatment or participate in a Productive Choice that is not available in the NWT, the Director can grant up to three months of assistance for all eligible benefits under Schedule A and Schedule B.

***Custody of a Child and Enhanced Benefits***

Certain enhanced benefits are affected by an applicant's arrangement to share custody of a child with another parent as follows (always round up when dividing):

- Clothing should only be issued in a month the applicant has custody of the mature child(ren) *August 2016*
- Educational expenses should be shared with the other parent depending on the custody arrangement
- The disabled, aged and emergency allowances are issued only to the applicant and are not affected by custody arrangements
- Furnishings allowance is not affected by custody arrangements
- Security deposits are not affected by custody arrangements
- Child Care Benefits should only be issued for the time the applicant has custody of the dependant(s)

**Note**

The Director can make a decision, on a case-by-case basis, on how much assistance or for how long an applicant and his/her dependants will receive an enhanced benefit.



## ***Section 4.1: Clothing Allowance***

### **The Law**

1. Assistance in the form of a clothing allowance may be provided to a recipient in accordance with the Maximum Monthly Clothing Allowance Table set out in this

Schedule that shows maximum scales in force in the communities of the Northwest Territories.

### **What it Means**

Section 1 of Schedule B sets out the maximum amount an applicant can access for clothing depending on the number of adults, the number of mature children and the community the applicant lives in.

### **August 2016**

This allowance can be spent on clothing and footwear. The number of adults, mature children and the applicant's community are taken into account to determine the allowance available, shown in the table on the next page.

### ***Custody of Children - August 2016***

A clothing allowance is affected by an applicant's arrangement to share custody of a mature child with another parent. The applicant should not receive a clothing allowance for that mature child when the mature child is not in his/her custody.

In cases of shared custody, the clothing allowance is prorated based on the number of days the applicant has the mature child(ren) in their custody.

*For example, an applicant has custody of his/her mature child (ren) for 14 days every month. The applicant is eligible for prorated clothing allowance for 14 days for his/her mature child(ren).*



The clothing allowance table is as follows:

Clothing Allowance for Adults and Mature Children					
Community	1	2	3	4	Each additional
Aklavik	109	152	185	218	33
Behchokò	82	115	140	164	25
Colville Lake	112	158	192	226	34
Déline	109	152	185	218	33
Dettah/Ndilo	79	110	134	158	24
Enterprise	86	120	146	172	26
Fort Liard	89	124	152	178	27
Fort McPherson	103	143	175	206	31
Fort Providence	89	124	152	178	27
Fort Resolution	92	129	157	185	28
Fort Simpson	92	129	157	185	28
Fort Smith	86	120	146	172	26
Gamètì	99	139	170	200	30
Hay River	86	120	146	172	26
Inuvik	99	139	170	200	30
Jean Marie River	95	134	163	191	29
Kakisa	89	124	152	178	27
K'ásho Got'iné	109	152	185	218	33
K'at'odeeche	86	120	146	172	26
Łutselk'e	103	143	175	206	31
Nahanni Butte	95	134	163	191	29
Norman Wells	103	143	175	206	31
Paulatuk	112	158	192	226	34
Sachs Harbour	112	158	192	226	34
Sambaa K'e	106	148	180	212	32
Tsiigehtchic	103	143	175	206	31
Tuktoyaktuk	109	152	185	218	33
Tulita	106	148	180	212	32
Ulukhaktok	112	158	192	226	34
Wekweètì	86	120	146	172	26
Whatì	99	139	170	200	30
Wrigley	103	143	175	206	31
Yellowknife	79	110	134	158	24



## ***Section 4.2: Disabled, Aged and Incidental Allowances***

### **The Law**

2. (1) Assistance in the form of either a disabled allowance or an aged allowance may be provided to a recipient, to a maximum of \$405, if,

(a) in the case of the disabled allowance, an occupational therapist, medical practitioner or other person referred to in paragraph 13.1 (5)(a), certifies a period of incapacity of 12 months or longer; or

(b) in the case of an aged allowance, the recipient has attained 60 years of age.

(2) A person who is granted assistance under sub item (1) may be provided with further assistance in the form of an incidental expense allowance in accordance with the Maximum Monthly Incidental Allowance Table set out in this Schedule that shows maximum scales in force in the communities of the Northwest Territories.

### **What it Means**

Section 2.(1) to 2.(2) of Schedule B explains the allowances an applicant with a disability or an applicant 60 years of age or older can receive.

### ***Disabled Allowance***

For an applicant with a disability, the Officer must:

1. Receive a completed Form D - Disability Assessment or through proof that an applicant is receiving a federal disability pension or benefit And
2. Confirm that the applicant(s) meet the Income Assistance definition of a disabled person

If there are two disabled applicants on the application, both are eligible for this benefit.

### ***Short-Term Medical Concerns and the Disabled Allowance***

An applicant who submitted a completed Form D - Disability Assessment and does not meet the Income Assistance definition of a disabled person is not eligible for the disability allowance.

*For example, an applicant broke their leg and is unable to complete a Productive Choice. The applicant is exempt from completing the Productive Choice but is not eligible for the disability allowance.*

### ***Long-Term Concerns and the Disabled Allowance***

An applicant who has a completed Form D - Disability Assessment and meets the Income Assistance definition of a disabled person may be eligible for the disabled allowance.



*For example, an applicant who provides a Disability Assessment every four months for a year is not eligible for the disabled allowance retroactively or at the 12-month period. The Officer should discuss the applicant's circumstances with his/her Supervisor.*

***Alcohol and/or Drugs***

An applicant with an addiction to drugs and/or alcohol must provide a health care professional's note that indicates his/her addiction to drugs or alcohol is considered chronic.

***Productive Choices and Disabilities***

An applicant with a disability, although exempt from participating in a productive choice, may participate if he/she chooses and can continue to receive the disabled allowance and incidental allowance.

***Proof of Disability - September 2013***

An applicant with a permanent disability does not need to provide a Disability Assessment every year if a qualified health care professional has certified his/her condition as permanent or if the applicant receives a federal pension or benefit.

***Aged Allowance***

The aged allowance assists the applicant with his/her daily living needs. If there are two applicants on the application who are 60 years of age, or older, both applicants are eligible to receive this allowance.

***Disabled and Aged Allowance***

An applicant can only receive either the disabled allowance or the aged allowance from the Income Assistance Program, not both.

***Incidental Allowance***

Any applicant who receives the disabled or aged allowance is also entitled to an incidental allowance in accordance with the Maximum Monthly Incidental Allowance Table. The allowance is provided to each person in the household that received the disabled or aged allowance.

The allowance is intended to assist with the costs of personal care products and household supplies. The table on the next page shows the maximum incidental allowance rates for each NWT community.



The incidental allowance table is as follows:

Incidental Allowance for Adults		
Community	Number of Adults	
	1	2
Aklavik	68	95
Behchokò	54	75
Colville Lake	74	104
Déline	71	100
Dettah/ Ndilo	39	55
Enterprise	43	61
Fort Liard	55	76
Fort McPherson	62	87
Fort Providence	51	71
Fort Resolution	53	74
Fort Simpson	54	76
Fort Smith	46	64
Gamètì	56	78
Hay River	47	65
Inuvik	57	79
Jean Marie River	55	76
K'ásho Got'iné	73	103
K'at'l'odeeche	44	62
Kakisa	51	71
Lutselk'e	68	95
Nahanni Butte	62	86
Norman Wells	70	97
Paulatuk	79	111
Sachs Harbour	73	103
Sambaa K'e	62	86
Tsiigehtchic	65	92
Tuktoyaktuk	72	101
Tulita	71	99
Ulukhaktok	73	103
Wekweètì	65	90
Whatì	59	81
Wrigley	62	87
Yellowknife	39	55



## ***Section 4.3: Expenses for Primary, Secondary and Post-Secondary Education and Other Training***

### **The Law**

3. 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 a recipient:

- (a) transportation;
- (b) text books and supplies;
- (c) annual school fees;
- (d) tuition.

Tuition and Book Allowances for Post-Secondary Education

4.1. (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 a recipient for the payment of tuition for the recipient or his or her dependant to a maximum of \$2,400 for a semester if

(a) the recipient or his or her 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) Assistance in the form of a book allowance may be provided to a recipient for the purchase of books for the recipient or his or her dependant to a maximum of \$550 for a semester if the recipient receives a tuition allowance for the recipient or his or her dependant under subsection (2).

### **What it Means**

Sections 3 to 4.(3) of Schedule B explain what type of assistance an applicant and his/her dependants can receive for primary, secondary or training education or for post-secondary expenses.

### ***Children's Primary, Secondary and Training Education Expenses - Revised January 2018***

This section explains what assistance an applicant can receive for his/her dependant in junior kindergarten to grade 12 or other training:

- Backpacks
- Transportation (bus passes only)
- Text books



- School supplies (pencils and pens, paper, binders, rulers, markers, erasers, geometry sets, etc.)
- Annual school fees (locker charges, etc.)
- Tuition (Officer should speak with his/her Supervisor)
- Running shoes, required musical instruments or special clothing
- Training (fees associated with special courses or if the dependant is in post-secondary training)

***Determination of Education Expenses - Revised November 2017***

The Director has approved the following procedure to determine the amount that will be supplied to applicants for their dependant(s) elementary and secondary school supplies.

An Officer should contact the school(s) at the end of the academic year and obtain a school supply list for each grade. The Officer will price the list at the least expensive store in the community. That list will be used to determine the amount of assistance provided to applicants for their dependant(s)' school supplies. Applicants will be provided with a lump sum payment based on the list.

Applicants may receive the educational allowance in September or the initial month of enrolment.

*For example, an applicant that has applied for assistance in January would not be eligible to receive the education allowance benefit if their dependant(s) was enrolled in September.*

*If a family relocates to another community in January and the dependant is enrolled in school, they would be eligible for the education allowance.*

***Exempt from Expenses***

The Officer does not pay for expenses already paid for by other organizations.

The Officer should ensure that the applicant is not exempt from these expenses because of his/her ethnicity or because he/she is receiving, or will receive, the assistance from another source.

*For example, a First Nations group may provide money for the child(ren)'s bus passes.*

***Tuition and Book Allowances for Post-Secondary Education***

Under this section, an Officer should refer to the Student Financial Assistance Regulations for definitions of the following: approved institution, full-time student, program of studies and semester.



An applicant and one of his/her dependants must meet the requirements of all of these definitions.

### **August 2016**

If the NWT Student Financial Assistance Program is not available to the applicant, the Officer can provide an allowance of up to \$2,400 for tuition and up to \$550 for books if the applicant or his/her dependant is attending a post-secondary program as defined by the Student Financial Assistance Regulations and receiving a tuition allowance from Income Assistance.

The Director must approve the tuition and book allowances.

### ***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 his/her home country. Officers must ask the applicant to apply first to his/her province, territory or home country. If the applicant is denied, he/she must provide the denial letter to the Officer before the Officer can issue Income Assistance for this benefit. If the applicant is eligible for post-secondary assistance from another jurisdiction, that assistance should be taken into consideration when a financial review is completed.

### ***Other Financial Resources***

Applicants may be eligible for funding through Employment Insurance, non-government organizations or other sources. Aboriginal 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 Income Assistance can be issued for this benefit. The funding the applicant receives from the Agency **must** be taken into consideration, as well as the expense of the program, when a financial review is completed.

### ***How the Expense is Paid - August 2016***

The Officer must obtain an invoice from the school for the tuition and books and issue payment to either the applicant or the institution. A book allowance will be provided up to a maximum of \$550 upon receipt of book expenses.

A book allowance up to \$550 is only provided if the applicant is receiving a tuition allowance from Income Assistance.



## ***Section 4.4: Furnishings Allowance***

### **The Law**

5. Assistance in the form of a furnishings allowance may be provided to a recipient in accordance with the Furnishings Allowance Table set out in this Schedule if the

recipient has received assistance for at least six of the 12 months preceding his or her request for a furnishings allowance.

### **What it Means**

Section 5 explains how much assistance an applicant and his/her dependants can receive for furnishings. A furnishings allowance is for the purchase of all household furnishings as required by the applicant.

### ***Eligibility***

An applicant and his/her dependants are eligible to receive an **annual** furnishings allowance. This amount is based on the Maximum Furnishings Allowance Table shown on the next page, if the applicant has received Income Assistance for at least six of the last 12 months. The six months does not need to be continuous.

An applicant is eligible to receive this benefit in full or at a prorated amount requested by the applicant, at the end of a six-month waiting period.

*For example, a Yellowknife applicant, his spouse and two children received assistance from February to May and then again in July and August, all within the same 12-month period in 2006. The applicant has now applied for assistance again in September. The applicant would be eligible to receive the furnishings allowance on September 1, 2006.*

*The applicant in the example above would be eligible to receive the furnishing allowance again on September 1, 2007, as long as he has received assistance for six of the 12 prior months.*

### **August 2016**

Applicants residing in long term care facilities, special care homes and room and board are eligible for a furnishings allowance.

### ***Owes Income Assistance - Revised January 2017***

Applicants who have an overpayment balance with Income Assistance are eligible for the furnishings allowance; however, the full amount must be applied to their overpayment. If the amount of the furnishings allowance exceeds the overpayment amount, the excess can be paid to the applicant.



Furnishings must be provided to persons in need using the following furnishings allowance table:

Furnishing Allowance									
Community	Total Number in Household								
	1	2	3	4	5	6	7	8	+
Aklavik	320	591	834	1,038	1,224	1,371	1,508	1,599	93
Behchokò	222	412	581	720	849	951	1,047	1,110	65
Colville Lake	359	666	940	1,109	1,307	1,473	1,620	1,716	101
Délne	303	559	788	981	1,157	1,296	1,426	1,512	88
Dettah/ Ndilo	175	323	456	567	669	749	824	874	51
Enterprise	182	331	467	590	695	778	856	907	54
Fort Liard	225	415	586	729	860	963	1,060	1,124	66
Fort McPherson	263	484	683	851	1,003	1,124	1,236	1,311	77
Fort Providence	199	369	521	641	756	846	931	987	58
Fort Resolution	231	429	605	726	856	959	1,055	1,118	66
Fort Simpson	224	414	584	726	856	959	1,055	1,118	65
Fort Smith	192	357	503	612	722	809	890	944	55
Gamètì	232	426	601	749	884	990	1,089	1,155	69
Hay River	198	367	518	624	736	824	907	961	56
Inuvik	257	475	670	833	983	1,101	1,211	1,284	75
Jean Marie River	250	462	651	811	956	1,071	1,178	1,249	74
Kakisa	193	355	501	624	736	824	907	961	56
K'ásho Got'iné	291	541	763	941	1,110	1,243	1,368	1,450	85
K'atl'odeeche	198	367	518	624	736	824	907	961	56
Łutselk'e	292	542	764	924	1,090	1,221	1,343	1,424	84
Nahanni Butte	284	527	743	879	1,037	1,164	1,280	1,356	81
Norman Wells	280	519	732	907	1,070	1,198	1,319	1,398	82
Paulatuk	338	623	879	1,094	1,291	1,446	1,590	1,686	99
Sachs Harbour	335	621	876	1,066	1,257	1,408	1,549	1,643	96
Sambaa K'e	301	556	783	975	1,150	1,288	1,417	1,503	88
Tsiigehtchic	265	483	680	856	1,011	1,132	1,246	1,320	80
Tuktoyaktuk	315	585	825	973	1,148	1,293	1,422	1,507	90
Tulita	301	556	783	975	1,150	1,288	1,417	1,503	88
Ulukhaktok	319	588	829	1,032	1,217	1,363	1,500	1,590	93
Wekweètì	278	517	729	859	1,013	1,142	1,256	1,331	80
Whatì	281	512	721	911	1,074	1,203	1,323	1,403	84
Wrigley	305	562	793	987	1,164	1,303	1,434	1,520	89
Yellowknife	175	323	456	567	669	749	824	874	51



## ***Section 4.5: Security Deposits – Rent or Utilities***

### **The Law**

6. (1) Assistance may be provided to a recipient for the payment of a security deposit if one is required for the provision of accommodations or utilities to the recipient.

(1.1) The Director may recover from a recipient, in monthly installments in amounts determined by the Director, the amount of assistance provided to the recipient under sub item (1).

(2) A recipient must repay the total amount of assistance that he or she 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 6.(1) and 6.(2) of Schedule B explains when an applicant can receive assistance for a security deposit for accommodations or utilities and how an Officer will recover the funds.

### ***Payment of the Security Deposit - Revised September 2017***

- **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 Officer to pay the deposit. 100% of the applicant's portion of the security (utility) deposit will be paid in the month the account is opened.
- **Accommodation:** The Residential Tenancy Act allows the payment of a security deposit to take place over a three-month period as follows:
  - 50% of the deposit is due with the first month's rent and the remaining 50% is due by the end of the first three months of the applicant's tenancy
  - The Officer will pay 25% in month 2 and 25% in month three

*For example, if a \$300 deposit is due on September 1<sup>st</sup>*

- 1. 50%, \$150, paid in September*
- 2. 25%, \$75, paid in October*
- 3. 25%, \$75, paid in November*

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

### ***Repayment of the Security Deposit - Revised July 2018***

All applicants must begin repaying their security deposit (utilities and damage deposit) 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 Officer would not count a refund that is issued to the applicant for the previously collected upon security deposits.

***More than One Security Deposit***

A second or subsequent security deposit for rent or utilities can be issued as required with approval from the Supervisor.

***Where to Send the Returned Security Deposit Cheques***

Officers must forward all security deposit returns to the finance personnel within the regional office. The Officer should include the applicant's name, social insurance number and a description of the payment (repayment of Income Assistance security deposit).

*For example, a description could include the landlord's name, utility type and provider, or fuel type and provider.*

Officers must get a General Receipt (GR) number from regional finance staff, which is to be referenced when making the note in CMAS about the returned security deposit. The Officer should also make sure that the applicant's debt has been entered and reduced in CMAS.



## ***Section 4.6: Emergency Allowance***

### **The Law**

7. Emergency assistance may be provided, in accordance with the direction of the Director, to a recipient if he or she is unable to sustain himself or herself and his or her dependants.

### **What it Means**

Section 7 of Schedule B states that an applicant and his/her dependants may receive an emergency allowance if the need exists.

This allowance is provided to applicants who are eligible for Income Assistance and participating in a productive choice.

The current rates of the allowance are:

- Single: Up to \$500 or the amount of an applicant's monthly food and clothing benefits as the need requires, whichever is higher.
- Family: Up to \$1,000 or the amount of an applicant's monthly food and clothing as the need requires, whichever is higher.
- Case-by-case as approved by the Director.

### ***Bridge Benefit – April 2018***

The bridge benefit is intended to assist parents of newborns only, with emergency allowance that is equivalent to the food allowance available depending on where the applicant lives. The bridge benefit will be approved for one month only if they have not received the Canada Child Benefit (CCB). In order to be eligible for the bridge benefit applicants must:

- Provide confirmation they have applied for CCB
- Provide proof of birth documentation.

### ***Director Approval – Revised April 2018***

The Director must be contacted to approve emergency assistance. The types of situations that emergency assistance can be provided for include:

- Loss of a home due to a disaster ; i.e. flood, fire, windstorm, landslide, or earthquake
- Inability to pay one month rent due to illness or loss of a job for reasons other than just cause
- Parents of newborns who have not received CCB.



## ***Section 4.7 Child Care Allowance***

### **The Law**

8. A child care benefit may be provided in accordance with the direction of the Director

### **What it Means - Revised July 2019**

Section 8 of Schedule B is to provide financial support to Income Assistance applicants to assist them with their child care expenses so that they can participate in the labour force, participate in a Productive Choice, or pursue educational and training opportunities in the NWT.

### ***Eligibility***

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

- Require care for children under the age of 13 because both parents are participating in the labour force, participating in a non-parenting Productive Choice, attending school or training.
- Provide monthly invoices from the child care provider.
- Provide receipts showing child care has been paid, if the provider is not being paid directly, for continued eligibility.

### ***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. Similarly, there will be no deduction for non-attendance by parents. However, unsubstantiated absences by parents that are considered to be chronic attendance problems (4 or more days in a calendar month) may be cause for terminating the child care need. The Officer must consult with their Supervisor prior to terminating any child care needs.

### ***Payment of Child Care - Revised July 2019***

- Applicants must sign a Productive Choice Agreement and submit documentation confirming their participation in that Productive Choice.
- Applicants must provide an invoice and/or receipt for child care expenses.
- Applicants must provide an invoice if a child care deposit is required.
- 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 – October 2015**

CHILD CARE	LICENSED	UNLICENSED
Infant (0-1)	\$42.00	\$33.00
Children (2-12)	\$39.00	\$28.00
Preschool/Pre-Kindergarten with Extended Care (3-4)	\$39.00	N/A
Part-time (0-5)	\$26.00	\$13.00
Afterschool (5-12)	\$15.00	\$8.00

**Note:**

There are no minimum hours of care required for child care eligibility.

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

**October 2014**

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

**Revised November 2017**

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 parts:

- one fee for the hours during Junior Kindergarten -12 school, and
- an additional fee for extended care, outside school hours

The Officer shall consider this full-time licensed child care.

**January 2018**

In accordance with the [Child Day Care Act](#), full-time and part-time child care will be defined as the following:

Full-time child care means day care provided for a period of more than five consecutive hours per day.

Part-time child care means day care provided for a period not exceeding five consecutive hours per day.



## **Section 4.8 Record Suspension Application Fees**

**March 2013**

### **The Law**

9. (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 for the payment of any fees required for an application for a record suspension.

### **What it Means**

An IA applicant is eligible to receive assistance towards the payment of any fees for application for a Record Suspension. The Record Suspension Application Fees are enhanced benefits that are provided to an applicant, who is participating in a Productive Choice or to an applicant who is exempt from participating in a Productive Choice.

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 and to reintegrate into society.

### ***Eligibility* Revised October 2019**

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

- Demonstrated that he/she is eligible for assistance and received payment for benefits prior to including the Record Suspension Fee in his/her assessment.
- Completed his/her sentence (including parole) and have paid any fine or financial penalty
- Completed any probation period
- Have served a required waiting period
- Demonstrated that he or she is a law-abiding citizen

### ***Productive Choices and Record Suspension Fees***

An applicant must be participating in a Productive Choice to be eligible for the Record Suspension Application fee benefit.

### ***Payment of Record Suspension Fees***

The Enhanced Benefit includes:

- \$25.00 cost of obtaining a Certified Copy of a Criminal Record from the RCMP
- \$631.00 Application Processing Fee charged by the Parole Board of Canada
- Applicants requesting reimbursement for additional fees related to his/her application for record suspension are responsible for providing supporting documentation and paid invoices and /or receipts.



**Note**

- The \$25.00 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.
- As per the *Income Assistance Act*, assistance may be provided for the payment of *any* fees required for an application for a record suspension.
- See the Applicant Services Officer Resource and Procedures Manual for Guidelines.



## **SECTION 5: SOCIAL ASSISTANCE APPEALS REGULATIONS**

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### ***Section 5.1 - Interpretation 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 in the Regulations.

#### **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 - April 2015***

Taken from the Interpretation Act, days are calendar days except those that are defined as holidays, which are Sundays, New Year’s Day, Good Friday, Easter Monday, Victoria Day, National Aboriginal Day, Canada Day, 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.

If a holiday falls on a Saturday or Sunday, the following Monday will be considered a holiday.



***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.

***Form H - Consent for the Release of Information***

Form H - Consent for the Release of Information must be signed by the appellant if he/she is involving a representative.

***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 his or her case.



## ***Section 5.2 - 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 serve as Registrar for the appeal committees and the Appeal Board.

(2) The Registrar shall perform the duties as set out in these regulations.

### **What it Means**

#### ***Registrar - January 2018***

The Minister assigns a senior officer within the Department to act as Registrar to the Social Assistance Appeal Committees and the Social Assistance Appeal Board. The Registrar assists the Committees and Boards 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 Committees (SAAC)***

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

A municipal council, local housing authority 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 SAACs. No official of the Department of Education, Culture and Employment is eligible for appointment to the SAACs.

A SAAC must be composed of not fewer than three and not more than eight members. When hearing an appeal, a quorum of three 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 SAACs.

A municipal council, local housing authority 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 of the Department of Education, Culture and Employment is eligible for appointment to the SAAB.

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

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



## ***Section 5.3 - 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 him or her 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 an 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 an appeal by notifying the Registrar in writing.

**What it Means**

Applicants are entitled to a fair and reasonable assessment of their needs and appropriate assistance. If an applicant does not agree with an Officer's and/or Director's decision, he/she can appeal the decision. It is the Officer's responsibility to notify the applicant, in writing, of his/her right to appeal.

The applicant must file his or her appeal with the appeal committee established for the community in which the person resides within 7 days of receiving the Officer's decision.

**Deemed Receipt of Decision - January 2018**

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

- 6 business days if the decision was sent by mail
- Or 2 business days if sent by 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 Officer or someone the Officer has referred the applicant to, may appeal on behalf of the applicant.

The Officer 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. This can be done by:

- Hand delivery: have the applicant sign the Appeal Update Form
- Courier: require signature upon delivery
- Email

If an applicant chooses to withdraw his/her appeal, he/she must do so in writing.



## ***Section 5.4 - 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**

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; and
- 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. For example, if all parties to the appeal are not in the same location, a teleconference would be the most economical method.

The Registrar will ensure that all parties of an appeal are notified at least 5 days before a hearing as to:

- 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 5.5 - 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 he or she wishes 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 his or her access to the members or staff restricted.

19. (1) Each party shall be given an opportunity to present his or her 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 his or her case.

(2) An appeal panel member may ask questions during the hearing that he or she considers 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

(a) proceed without the party; or

(b) 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 appellants' 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 received 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 the 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 a 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 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 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 the 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 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 the 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.

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

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

31. These regulations come into force July 1, 2012.



## **What it Means**

### ***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 SAACs 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 - Revised January 2018***

The SAACs and the SAAB have discretion to adjourn or reschedule an appeal hearing to a maximum of one time.

### ***Oral Hearing***

- It must be conducted in private with only the parties of the appeal and their representatives present
- A person who is disruptive may be removed from the hearing
- A person who is abusive may have his/her access to the members or staff restricted
- Each party will be given an opportunity to present his/her 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 - **April 2014**
- 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 - Revised January 2018***

- Submission of evidence and responses shall be filed with the Registrar five 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 1 time.
- The appeal panel may request post-hearing submissions, including submissions from absent parties

***Issuing a Decision - Revised January 2018***

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 business 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 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 7 days of the finding.