



*Employment and Assistance for
Persons with Disabilities Act*

EMPLOYMENT AND ASSISTANCE FOR
PERSONS WITH DISABILITIES
REGULATION
B.C. Reg. 265/2002

Deposited September 27, 2002 and effective September 30, 2002
Last amended January 31, 2022 by B.C. Reg. 16/2022

Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 265/2002 (O.C. 874/2002), deposited September 27, 2002 and effective September 30, 2002, is made under the *Employment and Assistance for Persons with Disabilities Act*, S.B.C. 2002, c. 41, s. 26.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

Prepared by:
Office of Legislative Counsel
Ministry of Attorney General
Victoria, B.C.

Employment and Assistance for Persons with Disabilities Act

**EMPLOYMENT AND ASSISTANCE FOR
PERSONS WITH DISABILITIES REGULATION**

B.C. Reg. 265/2002

Contents

PART 1 – INTERPRETATION

1	Definitions	1
2	Definitions for Act	6
2.01	Modifications in relation to COVID-19 emergency – certain payments	7
2.02	Modifications in relation to COVID-19 emergency – CESB	9
2.03	Modifications in relation to COVID-19 emergency – Indigenous emergency assistance	9
2.04	Modifications in relation to COVID-19 emergency – federal one-time payment for seniors	10
2.05	Modifications in relation to COVID-19 emergency – reconsideration of decisions	11
2.06	Modifications in relation to COVID-19 emergency – federal one-time payment for persons who have disabilities	12
2.07	Modifications in relation to COVID-19 emergency – BC recovery benefit	12

PART 1.1 – PERSONS WITH DISABILITIES

2.1	Alternative grounds for designation under section 2 of Act	13
-----	--	----

PART 2 – ELIGIBILITY FOR DISABILITY ASSISTANCE

Division 1 – Applications and Applicant Requirements

3	[Repealed]	13
4	Process for assessment of eligibility for disability assistance	13
4.1	Application for disability assistance – stage 1	14
4.2	Application for disability assistance – stage 2	15
4.21	Streamlined application for disability assistance	16
4.3	[Repealed]	16
4.4	Re-establishment of eligibility for disability assistance	16
5	Applicant requirements	16
6	Citizenship requirements	16
6.1	Exemption from citizenship requirements	18

Division 2 – Income and Asset Restrictions

7	Effect of applicant applying for other sources of income	18
8	Requirement to apply for CPP benefits	19
9	Limits on income	19
10	Asset limits	20
11	Asset development accounts	26
12	Assets held in trust for person with disabilities	26
12.1	Temporary exemption of assets for person with disabilities or person receiving special care	27

Division 3 – Specific Circumstances of an Applicant or Recipient That Affect Eligibility		
13	Effect of strike or lockout on eligibility	28
14	Effect of being in prison or other lawful place of confinement	28
15	Effect of recipient being absent from BC for more than 30 days	29
Division 4 – Assignment of Maintenance Rights		
16	Definitions for Division	29
17	Assignment of maintenance rights	29
18	[Repealed]	30
19	Notice of assignment	30
20 – 22	[Repealed]	30
Division 5 – Amount and Duration of Disability Assistance		
23	Effective date of eligibility	30
24	Amount of disability assistance	32
24.1	[Repealed]	32
PART 3 – OTHER FACTORS THAT AFFECT ELIGIBILITY FOR DISABILITY ASSISTANCE OR HARDSHIP ASSISTANCE		
Division 1 – Factors Related to Employment and Employment Plans		
25	Consequences of failing to meet employment-related obligations	32
26	Consequences if dependent youth fails to enter into or comply with employment plan	34
Division 2 – Factors Related to Income and Assets		
27	Effect of failing to pursue or accept income or assets or of disposing of assets	35
27.1	Retirement pension available before age 65	36
Division 3 – Factors Related to Providing Information and Verification		
28	Consequences of failing to provide information or verification when directed	36
28.1	Consequences for providing inaccurate or incomplete information	36
29	Reporting requirement	37
29.1	Voluntary reporting	38
30	Requirement for eligibility audit	38
Division 4		
31 – 34	[Repealed]	38
Division 5 – Outstanding Arrest Warrants		
34.1	Consequences in relation to outstanding arrest warrants	39
PART 4 – HARDSHIP ASSISTANCE		
35	Hardship assistance – eligibility and limitations	39
36	Rules about applications, payments, etc.	39
37	Applicants who do not meet requirement for social insurance number or proof of identity	40
38	[Repealed]	40
38.1	Applicants who fail to provide sponsorship information	40
39	Family units that have excess income	40
40	Applicant on strike or locked out	41
41	Family units that have excess assets	41
42 – 42.1	[Repealed]	41
42.2	Hardship assistance not repayable	42

PART 5 – SUPPLEMENTS

Division 1 – Supplements – Family Unit Eligible for Disability Assistance		
43	Supplement for purchase of co-op housing shares	42
43.1 – 48	[Repealed]	42
49	Training initiative supplement	42
50 – 50.1	[Repealed]	43
51	Spouse bus pass supplement	43
52	[Repealed]	43
Division 2		
53	[Repealed]	43
Division 3 – Supplements – Family Unit Eligible for Disability Assistance or Hardship Assistance		
54	Supplements related to employment plan	44
54.1	Confirmed job supplement	44
54.2	Persons with disabilities transportation supplement	45
54.3	Pre-natal shelter supplement	45
54.4	Christmas supplement	46
54.5	Clothing supplement for people in special care facilities	46
54.6	Transportation to special care facilities supplement	46
54.7	Reconsideration or appeal supplement	46
55	Supplements for moving, transportation and living costs	48
56	Supplement to pay a security deposit	49
56.1	Supplement to pay a utility security deposit	50
56.2	Supplement to pay a pet damage deposit	50
57	Crisis supplement	51
58	Advance for lost or stolen family bonus cheque	52
58.1	Advance for lost or stolen child benefits cheque – Canada child benefit	52
59	Supplement for delayed, suspended or cancelled family bonus	53
59.1	Supplement for delayed, suspended or cancelled Canada child benefit	53
60	Guide dog or service dog supplement	54
60.1	School start-up supplement	54
60.11	Supplement to obtain proof of identity	54
61	[Repealed]	55
Division 4 – Health Supplements		
61.01	Definitions	55
61.1	Access to medical services only	55
62	General health supplements	58
62.1	Optical supplements	58
62.2	Eye examination supplements	58
63	Dental supplements	58
63.1	Crown and bridgework supplement	59
63.2	Denture supplement	59
64	Emergency dental and denture supplement	59
65	Orthodontic supplement	59
66	Diet supplement	60
67	Nutritional supplement	60
67.001	Nutritional supplement – short-term	62
67.01	Tube feed nutritional supplement	62
67.1	Infant formula supplement	63
68	Natal supplement	63

69	Health supplement for persons facing direct and imminent life threatening health need	63
70	Supplement for alcohol or drug treatment	64
70.01	[Repealed]	64
70.02	Alternative hearing assistance supplement	64
Division 5 – Supplements – Eligibility for Employment-related Programs		
70.1	Business plan	65
70.2	Monthly report	65
Division 6 – Consequences in Relation to Outstanding Arrest Warrants		
70.3	Supplement to prevent undue hardship while dealing with outstanding arrest warrant	65
70.4	Warrants transportation supplement	66
PART 6 – RECONSIDERATIONS AND APPEALS		
71	How a request to reconsider a decision is made	67
72	Time limit for reconsidering decision	67
73	Decisions that may not be appealed	67
PART 7 – GENERAL AND TRANSITIONAL PROVISIONS		
74	Exemptions from deductions for debts owed	68
74.1	Exemptions from deductions for debts owed	70
74.2	Recovery of more than one type of debt	71
75	Prescribed enactments for purposes of sections 19 (1) (b) and 20 (2) <i>[no garnishment, attachment, execution or seizure]</i> of the Act	71
75.1	How assistance is provided	71
76	[Repealed]	71
77	Replacement of lost or stolen assistance cheque	72
78	Transition in respect of the change to asset limits	72
79	Transition in respect of repealed provisions	72
80	Transitional benefit to attend mental health activity centre	72
81	[Repealed]	72
SCHEDULE A – DISABILITY ASSISTANCE RATES		73
SCHEDULE B – NET INCOME CALCULATION		82
SCHEDULE C – HEALTH SUPPLEMENTS		98
SCHEDULE D – HARDSHIP ASSISTANCE		120

Employment and Assistance for Persons with Disabilities Act

**EMPLOYMENT AND ASSISTANCE FOR
PERSONS WITH DISABILITIES REGULATION**

B.C. Reg. 265/2002

PART 1 – INTERPRETATION

Definitions

1 (1) In this regulation:

“**Act**” means the *Employment and Assistance for Persons with Disabilities Act*;

“**alternate application for disability assistance form**” means a report submitted to the minister under section 4.21 (2) using the same form as in section 29 [reporting requirement];

“**application for disability assistance (part 1) form**” means an application for disability assistance (part 1) form specified by the minister;

“**application for disability assistance (part 2) form**” means an application for disability assistance (part 2) form specified by the minister;

“**asset**” means

- (a) equity in any real or personal property that can be converted to cash,
- (b) a beneficial interest in real or personal property held in trust, or
- (c) cash assets;

“**assistance**” means disability assistance, hardship assistance or a supplement;

“**basic child tax benefit**” means the Canada child tax benefit minus the national child benefit supplement;

“**BC basic family bonus**” means an amount calculated for the purposes of section 10 (3) (a) of the *Income Tax Act*;

“**BC child adjustment amount**”, in relation to a dependent child in a family unit, means the amount of

- (a) \$195.02 for the first dependent child in the family unit,
- (b) \$172.54 for the second dependent child in the family unit, or
- (c) \$164.18 for each additional dependent child in the family unit,

and each of these amounts is adjusted every year on July 1, beginning on July 1, 2018, by the percentage increase, if any, of the consumer price index for the 12 month period ending September 30 of the previous year;

“**BC child opportunity benefit**” means an amount deemed to be an overpayment on account of an individual’s liability for the taxation year determined under section 13.092 [BC child opportunity benefit] of the *Income Tax Act*;

“**BC early childhood tax benefit**” means an amount deemed to be an overpayment on account of an individual’s liability for the taxation year determined under section 13.071 [BC early childhood tax benefit] of the *Income Tax Act*;

“**BC earned income benefit**” means an amount calculated for the purposes of section 10 (3) (b) of the *Income Tax Act*;

“**Canada child benefit**” means an amount deemed to be an overpayment on account of a person’s liability for the taxation year determined under section 122.61 of the *Income Tax Act* (Canada) as it read on or after July 1, 2016;

“**Canada child tax benefit**” means an amount deemed to be an overpayment on account of a person’s liability for the taxation year determined under section 122.61 of the *Income Tax Act* (Canada) as it read before July 1, 2016 and includes the child disability benefit;

“**cash assets**” in relation to a person, means

- (a) money in the possession of the person or the person’s dependant,
- (b) money standing to the credit of the person or the dependant with
 - (i) a savings institution, or
 - (ii) a third partythat must pay it to the person or the dependant on demand,
- (c) the amount of a money order payable to the person or the dependant, or
- (d) the amount of an immediately negotiable cheque payable to the person or the dependant;

“**child benefits cheque**” means a cheque for one, or the sum of two or more, of the following:

- (a) the BC basic family bonus;
- (b) the BC earned income benefit;
- (c) the basic child tax benefit;
- (d) the national child benefit supplement;
- (e) the BC early childhood tax benefit;
- (f) the Canada child benefit;
- (g) the BC child opportunity benefit;

“**child disability benefit**” means a supplement to the Canada Child Tax Benefit received by families with a child who meets the criteria for the Disability Tax Credit provided under the *Income Tax Act* (Canada);

“**child in care**” has the same meaning as in the *Child, Family and Community Service Act*;

“**Community Living BC**” means Community Living British Columbia established under the *Community Living Authority Act*;

“**consumer price index**” means the Consumer Price Index for Canada, as published by Statistics Canada under the authority of the *Statistics Act* (Canada);

“**cooperative association**” means a cooperative association as defined in the *Real Estate Development Marketing Act*;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Part 1 – Interpretation

“dietitian” means a registrant of the College of Dietitians of British Columbia established under the *Health Professions Act*;

“disability assistance application date” means the date of an applicant’s submission of

- (a) an application for disability assistance (part 2) form, or
- (b) an alternate application for disability assistance form;

“earned income” means

- (a) any money or value received in exchange for work or the provision of a service,
- (b) Repealed. [B.C. Reg. 197/2012, Sch. 2, s. 1 (a).]
- (c) pension plan contributions that are refunded because of insufficient contributions to create a pension,
- (d) money or value received from providing room and board at a person’s place of residence, or
- (e) money or value received from renting rooms that are common to and part of a person’s place of residence;

“employment-related program” means any of the following categories of programs that are established or funded under section 8 of the Act:

- (a) employment search;
- (b) training;
- (c) job placement;
- (d) self-employment;
- (e) volunteer;

“family bonus” means an amount consisting of the sum of the BC basic family bonus and the national child benefit supplement;

“gift” does not include

- (a) money or other value received, by will or as the result of intestacy, from the estate of a deceased person, or
- (b) money or other value received from a trust;

“income assistance” has the same meaning as in the *Employment and Assistance Act*;

“Insurance Corporation of British Columbia” means the Insurance Corporation of British Columbia continued by section 2 (1) of the *Insurance Corporation Act*;

“legal proceeding” includes a civil, criminal, quasi-criminal, administrative or regulatory action or proceeding;

“midwife” means a registrant of the British Columbia College of Nurses and Midwives established under the *Health Professions Act* who is authorized to use the title “midwife”;

“**minister**”, in relation to a power, duty or function that the minister has delegated under section 25 of the Act to another person, includes that other person;

“**national child benefit supplement**” means the amount that is 1/12 the value of “C” in the formula calculated under section 122.61 of the *Income Tax Act* (Canada) as it read before July 1, 2016;

“**parent**”, in relation to a dependent child, includes the following other than for the purposes of section 17 [*assignment of maintenance rights*] of this regulation and section 6 [*people receiving room and board*] of Schedule A of this regulation:

- (a) a guardian of the person of the child, other than
 - (i) a director under the *Child, Family and Community Service Act*, or
 - (ii) an administrator or director under the *Adoption Act*;
- (b) a person legally entitled to custody of a child, other than an official referred to in paragraph (a) (i) or (ii);
- (c) if the child is a dependent child of a parenting dependent child, a person who is the parent of the parenting dependent child;

“**parenting dependent child**” means a dependent child who is the parent of a dependent child;

“**private hospital**” means a private hospital licensed under the *Hospital Act*;

“**registered education savings plan**” means a registered education savings plan as defined by section 146.1 of the *Income Tax Act* (Canada);

“**sole**”, in relation to an applicant or a recipient, means the applicant’s or recipient’s family unit includes no other applicant, recipient or adult dependant;

“**special care facility**” means a facility that is a licensed community care facility under the *Community Care and Assisted Living Act* or a specialized adult residential care setting approved by the minister under subsection (3);

“**student financial assistance**” means funding provided to students under

- (a) the British Columbia Student Assistance Program,
- (b) the *Canada Student Financial Assistance Act*, or
- (c) a similar program provided by another province or jurisdiction;

“**supported child**” means any of the following:

- (a) a child in care;
- (b) a child who is described in section 1 (a) or (b) of the Child in the Home of a Relative Transition Regulation, B.C. Reg. 48/2010;
- (c) a child who is subject to an agreement under section 8 or 93 (1) (g) (ii) of the *Child, Family and Community Service Act*;

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

- (a) money, annuities, stocks, bonds, shares, and interest bearing accounts or properties;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 1 – Interpretation

- (b) cooperative associations;
 - (c) war disability pensions, military pensions and war veterans' allowances;
 - (d) insurance benefits, except insurance paid as compensation for a destroyed asset;
 - (e) superannuation benefits;
 - (f) any type or class of Canada Pension Plan benefits;
 - (g) employment insurance;
 - (h) union or lodge benefits;
 - (i) financial assistance provided under the *Employment and Assistance Act* or provided by another province or jurisdiction;
 - (j) workers' compensation benefits and disability payments or pensions;
 - (k) surviving spouses' or orphans' allowances;
 - (l) a trust or inheritance;
 - (m) rental of tools, vehicles or equipment;
 - (n) rental of land, self-contained suites or other property except the place of residence of an applicant or recipient;
 - (o) interest earned on a mortgage or agreement for sale;
 - (p) maintenance under a court order, a separation agreement or other agreement;
 - (q) education or training allowances, grants, loans, bursaries or scholarships;
 - (r) a lottery or a game of chance;
 - (s) awards of compensation under the *Criminal Injury Compensation Act* or awards of benefits under the *Crime Victim Assistance Act*, other than an award paid for repair or replacement of damaged or destroyed property;
 - (t) any other financial awards or compensation;
 - (u) Federal Old Age Security and Guaranteed Income Supplement payments;
 - (v) financial contributions made by a sponsor pursuant to an undertaking given for the purposes of the *Immigration and Refugee Protection Act* (Canada) or the *Immigration Act* (Canada);
 - (w) tax refunds;
 - (x) gifts of money, annuities, stocks, bonds, shares, and interest bearing accounts or properties;
 - (y) gifts in the form of payment by another person of a debt or obligation.
- (2) Subsection (2.1) applies to a child if
- (a) the child relies on both parents for the necessities of life, and
 - (b) the child resides
 - (i) with each parent for 50% of each month in circumstances where the parents live in different residences, or

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Part 1 – Interpretation

- (ii) with both parents in circumstances where the parents live in the same residence but are not spouses.
- (2.1) For the purposes of the Act and this regulation, a child described in subsection (2)
 - (a) is a dependent child of the parent who is an applicant or recipient, provided only one of the parents is an applicant or recipient, or
 - (b) if both parents are applicants or recipients, is a dependent child only of the parent who is designated in writing by both parents.
- (3) For the purposes of the definition of “special care facility”, the minister may approve as a specialized adult residential care setting a place that provides accommodation and care for adults and for which a licence under the *Community Care and Assisted Living Act* is not required.
- (4) For the purposes of the Act and this regulation, two persons who are married to each other are not spouses if the minister is satisfied that the relationship does not demonstrate
 - (a) financial dependence or interdependence, and
 - (b) social and familial interdependence
 consistent with a marriage-like relationship.

[am. B.C. Regs. 461/2003, s. 2 (a); 256/2004, s. (b); 345/2004; 518/2004, s. 7; 93/2005; 305/2005, Sch. 2, s. 1; 306/2005, s. 1; 192/2006, s. 6; 317/2008, s. 6; 48/2010, Sch. 1, s. 2 (a); 84/2012, Sch. 2, s. 1; 197/2012, Sch. 2, s. 1; 364/2012, s. 1; 41/2015, Sch. 2, s. 1; 145/2015, Sch. 2, s. 1; 204/2015, App. 2, s. 1; 175/2016, App. 1, s. 1; 283/2016, Sch. 2, s. 1; 34/2017, App. 2, s. 1; 193/2017, s. 1; 151/2018, App. 2, s. 1; 123/2019, App. 2, s. 1; 270/2019, App. 2, s. 1; 206/2020, s. 5; 259/2020, App. 2, s. 1; 108/2021, App. 2, s. 1.]

Definitions for Act

- 2** (1) For the purposes of the Act and this regulation, “**daily living activities**”,
- (a) in relation to a person who has a severe physical impairment or a severe mental impairment, means the following activities:
 - (i) prepare own meals;
 - (ii) manage personal finances;
 - (iii) shop for personal needs;
 - (iv) use public or personal transportation facilities;
 - (v) perform housework to maintain the person’s place of residence in acceptable sanitary condition;
 - (vi) move about indoors and outdoors;
 - (vii) perform personal hygiene and self care;
 - (viii) manage personal medication, and
 - (b) in relation to a person who has a severe mental impairment, includes the following activities:
 - (i) make decisions about personal activities, care or finances;
 - (ii) relate to, communicate or interact with others effectively.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Part 1 – Interpretation

- (2) For the purposes of the Act, “**prescribed professional**” means a person who is
- (a) authorized under an enactment to practise the profession of
 - (i) medical practitioner,
 - (ii) registered psychologist,
 - (iii) registered nurse or registered psychiatric nurse,
 - (iv) occupational therapist,
 - (v) physical therapist,
 - (vi) social worker,
 - (vii) chiropractor, or
 - (viii) nurse practitioner, or
 - (b) acting in the course of the person’s employment as a school psychologist by
 - (i) an authority, as that term is defined in section 1 (1) of the *Independent School Act*, or
 - (ii) a board or a francophone education authority, as those terms are defined in section 1 (1) of the *School Act*,if qualifications in psychology are a condition of such employment.
- (3) The definition of “parent” in section 1 (1) applies for the purposes of the definition of “dependent child” in section 1 (1) of the Act.
- [am. B.C. Regs. 196/2007; 197/2012, Sch. 2, s. 2; 70/2013.]

Modifications in relation to COVID-19 emergency – certain payments

- 2.01** (1) This section applies in relation to the provision of assistance for a calendar month after April, 2020 to or for
- (a) a family unit that
 - (i) was eligible on April 2, 2020, or includes a person who was in a family unit that was eligible on April 2, 2020, for disability assistance or hardship assistance, or
 - (ii) includes a person with disabilities who was a person with disabilities on April 2, 2020, or
 - (b) a family unit that is described in section 2.1 (1) (a) of the Employment and Assistance Regulation.
- (2) Section 10 (1) is to be read as though it also provided that the following assets are exempt for the purposes of section 10 (2):
- (a) an income support payment under the *Canada Emergency Response Benefit Act*;
 - (a.1) a benefit under the *Canada Recovery Benefits Act*;
 - (a.2) a benefit under the *Canada Worker Lockdown Benefit Act*;
 - (b) employment insurance for a period ending before November 21, 2021;
 - (c) pandemic pay.

- (3) Section 1 (a) of Schedule B is to be read as though it also provided that the following are exempt from income when calculating the net income of a family unit for the purposes of section 24 (b) of this regulation:
- (a) an income support payment under the *Canada Emergency Response Benefit Act*;
 - (a.1) a benefit under the *Canada Recovery Benefits Act*;
 - (a.2) a benefit under the *Canada Worker Lockdown Benefit Act*;
 - (b) employment insurance for a period ending before November 21, 2021;
 - (c) pandemic pay.
- (4) Section 6 of Schedule D is to be read as though it also provided that no deduction is to be made for the following when calculating the maximum amount of hardship assistance for which an applicant's family unit is eligible under section 2 of that Schedule:
- (a) an income support payment under the *Canada Emergency Response Benefit Act*;
 - (a.1) a benefit under the *Canada Recovery Benefits Act*;
 - (a.2) a benefit under the *Canada Worker Lockdown Benefit Act*;
 - (b) employment insurance for a period ending before November 21, 2021;
 - (c) pandemic pay.
- (5) Repealed. [B.C. Reg. 322/2021, App. 2, s. 1 (c).]
- (6) For the purposes of this regulation, pandemic pay is to be read as though it is unearned income.
- (7) In this section:
- “COVID-19 emergency”** means the emergency that is the subject of
- (a) the notice provided on March 17, 2020 by the provincial health officer under section 52 (2) of the *Public Health Act*, and
 - (b) the declaration of a state of emergency made on March 18, 2020, and any extension of that declaration, under section 9 of the *Emergency Program Act*;
- “essential service”** has the same meaning as in the COVID-19 (Limits on Actions and Proceedings) Regulation;
- “pandemic pay”** means additional income received for work, or the provision of a service, that
- (a) the minister considers is an essential service, and
 - (b) is received
 - (i) on a temporary basis during the COVID-19 emergency, and

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 1 – Interpretation

- (ii) in addition to the earned income that is received in exchange for the same work or the provision of the same service.

[en. B.C. Reg. 102/2020, App. 2; am. B.C. Regs. 191/2020, App. 2; 268/2020, App. 2, s. 1; 270/2020, App. 2; 193/2021, App. 2; 322/2021, App. 2; 16/2022, App. 2.]

Modifications in relation to COVID-19 emergency – CESB

- 2.02** (1) This section applies in relation to the provision of assistance to or for
- (a) a family unit that
 - (i) was eligible on May 1, 2020, or includes a person who was in a family unit that was eligible on May 1, 2020, for disability assistance or hardship assistance, or
 - (ii) includes a person with disabilities who was a person with disabilities on May 1, 2020, or
 - (b) a family unit that is described in section 2.2 (1) (a) of the Employment and Assistance Regulation.
- (2) Section 10 (1) is to be read as though it also provided that a Canada emergency student benefit under the *Canada Emergency Student Benefit Act* is exempt for the purposes of section 10 (2).
- (3) Section 1 (a) of Schedule B is to be read as though it also provided that a Canada emergency student benefit under the *Canada Emergency Student Benefit Act* is exempt from income when calculating the net income of a family unit for the purposes of section 24 (b) of this regulation.
- (4) Section 6 of Schedule D is to be read as though it also provided that no deduction is to be made for a Canada emergency student benefit under the *Canada Emergency Student Benefit Act* when calculating the maximum amount of hardship assistance for which an applicant's family unit is eligible under section 2 of that Schedule.

[en. B.C. Reg. 135/2020, App. 2.]

Modifications in relation to COVID-19 emergency – Indigenous emergency assistance

- 2.03** (1) In this section:
- “**COVID-19 emergency**” means the emergency that is the subject of
- (a) the notice provided on March 17, 2020 by the provincial health officer under section 52 (2) of the *Public Health Act*, and
 - (b) the declaration of a state of emergency made on March 18, 2020, and any extension of that declaration, under section 9 of the *Emergency Program Act*;
- “**Indigenous emergency assistance**” means an amount provided as assistance in relation to the COVID-19 emergency by
- (a) an Indigenous nation, or

- (b) an Indigenous organization that provides services to Indigenous individuals.
- (2) The definition of “assistance” in section 1 (1) does not apply in relation to the definition of “Indigenous emergency assistance” in this section.
- (3) Section 10 (1) is to be read as though it also provided that Indigenous emergency assistance is exempt for the purposes of section 10 (2).
- (4) Section 1 (a) of Schedule B is to be read as though it also provided that Indigenous emergency assistance is exempt from income when calculating the net income of a family unit for the purposes of section 24 (b) of this regulation.
- (5) Section 6 of Schedule D is to be read as though it also provided that no deduction is to be made for Indigenous emergency assistance when calculating the maximum amount of hardship assistance for which an applicant’s family unit is eligible under section 2 of that Schedule.

[en. B.C. Reg. 135/2020, App. 2.]

**Modifications in relation to COVID-19 emergency –
federal one-time payment for seniors**

2.04 (1) In this section:

“**COVID-19 emergency**” means the emergency that is the subject of

- (a) the notice provided on March 17, 2020 by the provincial health officer under section 52 (2) of the *Public Health Act*, and
- (b) the declaration of a state of emergency made on March 18, 2020, and any extension of that declaration, under section 9 of the *Emergency Program Act*;

“**federal one-time payment for seniors**” means any of the following payments granted by the government of Canada in relation to the COVID-19 emergency:

- (a) a payment of \$300 to an individual who is eligible in June 2020 for a federal old age security payment;
 - (b) a payment of \$200 to an individual who is eligible in June 2020 for a federal guaranteed income supplement payment;
 - (c) a payment of \$500 under section 275 of the *Budget Implementation Act, 2021, No. 1* (Canada).
- (2) Section 10 (1) is to be read as though it also provided that a federal one-time payment for seniors is exempt for the purposes of section 10 (2).
 - (3) Section 1 (a) of Schedule B is to be read as though it also provided that a federal one-time payment for seniors is exempt from income when calculating the net income of a family unit for the purposes of section 24 (b) of this regulation.
 - (4) Section 6 of Schedule D is to be read as though it also provided that no deduction is to be made for a federal one-time payment for seniors when calculating the

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 1 – Interpretation

maximum amount of hardship assistance for which an applicant's family unit is eligible under section 2 of that Schedule.

[en. B.C. Reg. 135/2020, App. 2; am. B.C. Reg. 233/2021, App. 3.]

Modifications in relation to COVID-19 emergency – reconsideration of decisions**2.05** (1) In this section:

“affected decision” means a decision

- (a) that may be reconsidered after a request made under section 16 (1) of the Act, and
- (b) that has a deadline for reconsideration that has been waived, suspended or extended as a result of the COVID-19 emergency;

“COVID-19 emergency” means the emergency that is the subject of

- (a) the notice provided on March 17, 2020 by the provincial health officer under section 52 (2) of the *Public Health Act*, and
- (b) the declaration of a state of emergency made on March 18, 2020, and any extension of that declaration, under section 9 of the *Emergency Program Act*;

“requesting person”, in respect of an affected decision, means a person who makes a request for reconsideration under section 16 (1) of the Act.

- (2) This section applies in the case of an affected decision in respect of which a requesting person has requested reconsideration under section 16 (1) of the Act.
- (3) Section 23 (3.01) is to be read as though the date a family unit became eligible for a supplement referred to in that subsection were the earliest of the following:
 - (a) the date referred to in section 23 (3.01) (a);
 - (b) the date referred to in section 23 (3.01) (b);
 - (c) the date that is 30 business days after the date the requesting person is notified of the affected decision.
- (4) Section 23 (3.11) is to be read as though the date a family unit became eligible to receive the disability assistance referred to in that subsection were the earliest of the following:
 - (a) the date referred to in section 23 (3.11) (a);
 - (b) the date referred to in section 23 (3.11) (b);
 - (c) the date that is 30 business days after the date the requesting person is notified of the affected decision.

[en. B.C. Reg. 190/2020, App. 2.]

**Modifications in relation to COVID-19 emergency –
federal one-time payment for persons who have disabilities**

- 2.06** (1) In this section, “**federal one-time payment for persons who have disabilities**” means the one-time federal payment of up to \$600 made by the federal Minister of Employment and Social Development to persons who have disabilities for reasons related to the coronavirus disease 2019 (COVID-19) authorized by section 10 of *An Act respecting further COVID-19 measures* (Canada), S.C. 2020, c. 11.
- (2) Section 10 (1) is to be read as though it also provided that the federal one-time payment for persons who have disabilities is exempt for the purposes of section 10 (2).
- (3) Section 1 (a) of Schedule B is to be read as though it also provided that the federal one-time payment for persons who have disabilities is exempt from income when calculating the net income of a family unit for the purposes of section 24 (b) of this regulation.
- (4) Section 6 of Schedule D is to be read as though it also provided that no deduction is to be made for the federal one-time payment for persons who have disabilities when calculating the maximum amount of hardship assistance for which an applicant’s family unit is eligible under section 2 of that Schedule.

[en. B.C. Reg. 247/2020, App. 2.]

Modifications in relation to COVID-19 emergency – BC recovery benefit

- 2.07** (1) In this section:
- “**BC recovery benefit**” means the one-time payment, of up to \$500 in the case of an individual and up to \$1 000 in the case of a family or single parent, provided by the government in relation to the COVID-19 emergency;
- “**COVID-19 emergency**” means the emergency that is the subject of
- (a) the notice provided on March 17, 2020 by the provincial health officer under section 52 (2) of the *Public Health Act*, and
- (b) the declaration of a state of emergency made on March 18, 2020, and any extension of that declaration, under section 9 of the *Emergency Program Act*.
- (2) Section 10 (1) is to be read as though it also provided that the BC recovery benefit is exempt for the purposes of section 10 (2).
- (3) Section 1 (a) of Schedule B is to be read as though it also provided that the BC recovery benefit is exempt from income when calculating the net income of a family unit for the purposes of section 24 (b) of this regulation.
- (4) Section 6 of Schedule D is to be read as though it also provided that no deduction is to be made for the BC recovery benefit when calculating the maximum amount

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 1.1 – Persons with Disabilities

of hardship assistance for which an applicant's family unit is eligible under section 2 of that Schedule.

[en. B.C. Reg. 16/2021, App. 2.]

PART 1.1 – PERSONS WITH DISABILITIES**Alternative grounds for designation under section 2 of Act**

2.1 The following classes of persons are prescribed for the purposes of section 2 (2) [*persons with disabilities*] of the Act:

- (a) a person who is enrolled in Plan P (Palliative Care) under the Drug Plans Regulation, B.C. Reg. 73/2015;
- (b) a person who has at any time been determined to be eligible to be the subject of payments made through the Ministry of Children and Family Development's At Home Program;
- (c) a person who has at any time been determined by Community Living British Columbia to be eligible to receive community living support under the *Community Living Authority Act*;
- (d) a person whose family has at any time been determined by Community Living British Columbia to be eligible to receive community living support under the *Community Living Authority Act* to assist that family in caring for the person;
- (e) a person who is considered to be disabled under section 42 (2) of the *Canada Pension Plan* (Canada).

[en. B.C. Reg. 165/2016, Sch.]

PART 2 – ELIGIBILITY FOR DISABILITY ASSISTANCE**Division 1 – Applications and Applicant Requirements**

3 Repealed. [B.C. Reg. 306/2005, s. 2.]

Process for assessment of eligibility for disability assistance

- 4**
- (1) The eligibility of a family unit for disability assistance must be assessed on the basis of the 2-stage process set out in sections 4.1 and 4.2.
 - (2) Despite subsection (1), the eligibility of a family unit for disability assistance may, at the minister's discretion, be assessed on the basis of the process set out in section 4.21, if disability assistance or income assistance has been provided to or for a person in the family unit in at least one of the 6 calendar months immediately preceding the calendar month for which the eligibility of that family unit is being assessed.
 - (3) Despite subsections (1) and (2), the eligibility of a family unit for disability assistance may be re-established in accordance with the process set out in

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

section 4.4, if disability assistance has been provided to or for the family unit in a calendar year, but the family unit becomes ineligible under section 9 [*limits on income*] during that calendar year because the qualifying income of the family unit determined under section 3 of Schedule B equals or exceeds the amount of disability assistance determined under Schedule A that applies to a family unit matching that family unit.

[en. B.C. Reg. 151/2018, App. 2, s. 2; am. B.C. Reg. 270/2019, App. 2, s. 2.]

Application for disability assistance – stage 1

- 4.1** (1) The first stage of the process for assessing the eligibility of a family unit referred to in section 4 (1) for disability assistance is fulfilling the requirements of subsection (2) of this section.
- (2) The applicants for disability assistance in a family unit
- (a) must complete and submit to the minister an application for disability assistance (part 1) form and must include as part of the application
 - (i) the social insurance number of each applicant in the family unit who is a person described in section 6 (2) [*citizenship requirements*], and
 - (ii) the information, authorizations, verifications and declarations specified by the minister, as required in the application for disability assistance (part 1) form, and
 - (b) subject to subsections (4), (5) and (6), must
 - (i) complete searches for employment as directed by the minister for the 3 weeks immediately following the date of the application under paragraph (a), or
 - (ii) demonstrate that each of the applicants has completed a search for employment satisfactory to the minister within the 30 day period prior to the date of the application under paragraph (a),and in either case provide information about and verification of the searches for employment, in the form specified by the minister.
- (3) Subsection (2) does not affect the minister's powers under section 10 of the Act.
- (4) Subsection (2) (b) does not apply to a person who
- (a) is prohibited by law from working in Canada,
 - (b) has reached 65 years of age,
 - (c) is a member of a family unit that includes a person with disabilities,
 - (d) is not a person with disabilities, but has a physical or mental condition that, in the minister's opinion, precludes the person from completing a search for employment as directed by the minister, or
 - (e) is fleeing an abusive spouse or relative.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

- (5) Subsection (2) (b) does not apply if any person in the family unit to which an application relates has an immediate need for food or shelter or needs urgent medical attention.
- (6) Subsection (2) (b) does not apply to a sole applicant who
 - (a) has a dependent child, or
 - (b) provides care to a supported childif the child has not reached 3 years of age.

[en. B.C. Reg. 306/2005, s. 3; am. B.C. Regs. 6/2008, s. 2; 46/2008; 98/2009, s. 2; 99/2009, s. 2; 48/2010, Sch. 1, s. 2 (b); 85/2012, Sch. 2, s. 1; 198/2012, Sch. 2, s. 1; 145/2015, Sch. 2, s. 2; 151/2018, App. 2, s. 3.]

Application for disability assistance – stage 2

- 4.2** (1) In this section, “**applicant orientation program**” means a program established by the minister to ensure that applicants are provided with information about their rights and obligations under the Act, including but not limited to information about all or any combination of
- (a) rules about eligibility for disability assistance or supplements,
 - (b) the process of applying for disability assistance,
 - (c) required employment search activities, community based job search resources and ministry and community programs,
 - (d) mutual obligations of the minister, applicants and recipients,
 - (e) employment plans,
 - (f) the minister’s authority to collect and verify information, and
 - (g) the availability of alternate resources, such as, federal programs and other Provincial programs.
- (2) The second stage of the process for assessing the eligibility of a family unit referred to in section 4 (1) for disability assistance is fulfilling the requirements of subsection (3) of this section.
- (3) On completion of the first stage process provided for in section 4.1, the applicants for disability assistance in the family unit must complete and submit to the minister an application for disability assistance (part 2) form and must include as part of the application
- (a) proof of the identity of the persons in the family unit and of their eligibility under the Act,
 - (b) subject to subsection (5), proof that the applicants have each completed an applicant orientation program, and
 - (c) the information, authorizations, declarations and verifications specified by the minister as required in the application for disability assistance (part 2) form.
- (4) Subsection (3) does not affect the minister’s powers under section 10 of the Act.

- (5) Subsection (3) (b) does not apply to a person who
- (a) has reached 65 years of age,
 - (b) is not described in section 6 (2) [*citizenship requirements*] and is in a family unit that satisfies the requirement under section 6 (1), or
 - (c) has a physical or mental condition that, in the minister's opinion, precludes the person from completing an applicant orientation program.

[en. B.C. Reg. 306/2005, s. 3; am. B.C. Regs. 85/2012, Sch. 2, s. 2; 198/2012, Sch. 2, s. 2; 151/2018, App. 2, s. 4.]

Streamlined application for disability assistance

- 4.21** (1) The process for assessing the eligibility of a family unit referred to in section 4 (2) for disability assistance is fulfilling the requirements of subsection (2) of this section.
- (2) The applicants for disability assistance in a family unit must complete and submit to the minister a report using the same form as in section 29 [*reporting requirement*].

[en. B.C. Reg. 151/2018, App. 2, s. 5.]

- 4.3** Repealed. [B.C. Reg. 313/2007, s. 2 (a).]

Re-establishment of eligibility for disability assistance

- 4.4** (1) The minister may re-establish the eligibility of a family unit referred to in section 4 (3) for disability assistance in accordance with subsection (2).
- (2) The eligibility of the family unit referred to in section 4 (3) for disability assistance may be re-established based on monthly reports submitted under section 29.1 [*voluntary reporting*] during the period of ineligibility for disability assistance during the calendar year in which the family unit becomes ineligible.
- (3) If monthly reports under section 29.1 have not been submitted in respect of a family unit referred to in section 4 (3), the 2-stage process set out in sections 4.1 and 4.2 applies to the family unit for the re-establishment of eligibility.

[en. B.C. Reg. 175/2016, App. 1, s. 3; am. B.C. Reg. 151/2018, App. 2, s. 6.]

Applicant requirements

- 5** For a family unit to be eligible for disability assistance or a supplement, an adult in the family unit must apply for the disability assistance or supplement on behalf of the family unit unless
- (a) the family unit does not include an adult, or
 - (b) the spouse of an adult applicant has not reached 19 years of age, in which case that spouse must apply with the adult applicant.

Citizenship requirements

- 6** (1) For a family unit to be eligible for disability assistance at least one applicant or recipient in the family unit must be

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

- (a) a Canadian citizen,
 - (b) authorized under an enactment of Canada to take up permanent residence in Canada,
 - (c) determined under the *Immigration and Refugee Protection Act* (Canada) or the *Immigration Act* (Canada) to be a Convention refugee,
 - (d) in Canada under a temporary resident permit issued under the *Immigration and Refugee Protection Act* (Canada) or on a minister's permit issued under the *Immigration Act* (Canada),
 - (e) in the process of having a claim for refugee protection, or application for protection, determined or decided under the *Immigration and Refugee Protection Act* (Canada), or
 - (f) subject to a removal order under the *Immigration and Refugee Protection Act* (Canada) that cannot be executed.
- (2) If a family unit satisfies the requirement under subsection (1), disability assistance and supplements may be provided to or for the family unit on account of each person in the family unit who is
- (a) a Canadian citizen,
 - (b) authorized under an enactment of Canada to take up permanent residence in Canada,
 - (c) determined under the *Immigration and Refugee Protection Act* (Canada) or the *Immigration Act* (Canada) to be a Convention refugee,
 - (d) in Canada under a temporary resident permit issued under the *Immigration and Refugee Protection Act* (Canada) or on a minister's permit issued under the *Immigration Act* (Canada),
 - (e) in the process of having a claim for refugee protection, or application for protection, determined or decided under the *Immigration and Refugee Protection Act* (Canada),
 - (f) subject to a removal order under the *Immigration and Refugee Protection Act* (Canada) that cannot be executed, or
 - (g) a dependent child.
- (3) If a family unit includes a person who is not described in subsection (2),
- (a) the person's income and assets must be included in the income and assets of the family unit for the purposes of determining whether the family unit is eligible for assistance, except as otherwise provided in this regulation, and
 - (b) the family unit is not eligible for any disability assistance under Schedule A, hardship assistance under Schedule D or supplements under Part 5 of this regulation on account of or for the use or benefit of that person.

[am. B.C. Regs. 253/2005, s. (b); 69/2008, s. 2 (a) and (b); 35/2020, App. 2, s. 1.]

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

Exemption from citizenship requirements

- 6.1** (1) Despite section 6 (1), a family unit that does not satisfy the requirement under that section is eligible for disability assistance if the minister is satisfied that all of the following apply:
- (a) the applicant is a sole applicant or, in the case of a recipient, the recipient is a sole recipient;
 - (b) the applicant or recipient has one or more dependent children who are Canadian citizens;
 - (c) the applicant or recipient has separated from an abusive spouse;
 - (d) the applicant or recipient has applied for status as a permanent resident under the *Immigration and Refugee Protection Act* (Canada);
 - (e) the applicant or recipient cannot readily leave British Columbia with the dependent children because
 - (i) a court order, agreement or other arrangement with respect to one or more of the dependent children provides custody, guardianship or access rights to another person who resides in British Columbia and leaving British Columbia with the dependent children would likely contravene the provisions of the court order, agreement or other arrangement,
 - (ii) another person who resides in British Columbia is claiming custody, guardianship or access rights with respect to one or more of the dependent children and the person's claims have not yet been resolved, or
 - (iii) the applicant or recipient, or a dependent child of the applicant or recipient, is being treated for a medical condition and leaving British Columbia would result in imminent danger to the physical health of the applicant, recipient or dependent child.
- (2) If the family unit satisfies the requirement under subsection (1), disability assistance and supplements may be provided to or for the family unit on account of
- (a) the sole applicant or sole recipient in that family unit, and
 - (b) each person in the family unit who is a dependent child.
- [en. B.C. Reg. 198/2012, Sch. 2, s. 3.]

Division 2 – Income and Asset Restrictions**Effect of applicant applying for other sources of income**

- 7** (1) In this section, “**income**” does not include
- (a) earned income described in paragraphs (a), (d) or (e) of the definition in section 1, or
 - (b) income exempt under section 1 of Schedule B.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

- (2) A family unit is not eligible for disability assistance if an applicant in the family unit has applied for income from another source unless
- (a) the applicant enters into a repayment agreement with the minister,
 - (b) if the source of the other income is federal employment insurance under the *Employment Insurance Act* (Canada), the applicant, in addition to the requirement under paragraph (a), satisfies the minister that a direction has been completed in accordance with subsection (3), and
 - (c) if the source of the other income is a benefit under the *Canada Pension Plan* (Canada), the applicant, in addition to the requirement under paragraph (a), satisfies the minister that the applicant has made a Consent to Deduction and Payment form under the *Canada Pension Plan* (Canada) directing that
 - (i) an amount up to the amount of disability assistance provided to or for the family unit under this section be deducted from the amount of the Canada Pension Plan benefit, and
 - (ii) the amount deducted be paid to the minister.
- (3) A direction referred to in subsection (2) (b) must be completed under the *Employment Insurance Act* (Canada) by the applicant who applies for the federal employment insurance and must direct that
- (a) an amount equal to the amount of disability assistance provided to or for the family unit under this section be deducted from the employment insurance, and
 - (b) the amount deducted be paid to the minister.

Requirement to apply for CPP benefits

- 8** If a family unit includes a recipient who may be eligible for a benefit under the *Canada Pension Plan* (Canada), for the family unit to continue to be eligible for disability assistance, the recipient, when requested by the minister, must complete a Consent to Deduction and Payment under the *Canada Pension Plan* (Canada) directing that
- (a) an amount up to the amount of disability assistance provided to or for the family unit from the date that the recipient becomes eligible for the Canada Pension Plan benefit be deducted from the amount of that benefit, and
 - (b) the amount deducted be paid to the minister.

[am. B.C. Reg. 463/2003, s. 2.]

Limits on income

- 9** (1) For the purposes of the Act and this regulation, “**income**”, in relation to a family unit, includes an amount garnished, attached, seized, deducted or set off from the income of an applicant, a recipient or a dependant.
- (2) A family unit is not eligible for disability assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

disability assistance determined under Schedule A for a family unit matching that family unit.

Asset limits

- 10** (1) The following assets are exempt for the purposes of subsection (2):
- (a) clothing and necessary household equipment;
 - (b) one motor vehicle generally used for day to day transportation needs;
 - (c) a family unit's place of residence;
 - (d) money received or to be received from a mortgage on, or an agreement for sale of, the family unit's previous place of residence if the money is
 - (i) applied to the amount owing on the family unit's current place of residence, or
 - (ii) used to pay rent for the family unit's current place of residence;
 - (e) a Canada child tax benefit;
 - (e.1) a Canada child benefit;
 - (f) a goods and services tax credit under the *Income Tax Act* (Canada);
 - (g) a tax credit under section 8 [*refundable sales tax credit*], 8.1 [*climate action tax credit*] or 8.2 [*BC harmonized sales tax credit*] of the *Income Tax Act* (British Columbia);
 - (h) an uncashed life insurance policy with a cash surrender value of \$1 500 or less;
 - (i) business tools;
 - (j) seed required by a farmer for the next crop-year;
 - (k) basic breeding-stock held by a farmer at the disability assistance application date, and female stock held for stock replacement;
 - (l) essential equipment and supplies for farming and commercial fishing;
 - (m) fishing craft and fishing gear owned and used by a commercial fisher;
 - (n) prepaid funeral costs;
 - (o) individual redress payments granted by the government of Canada to a person of Japanese ancestry;
 - (p) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;
 - (q) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus;
 - (r) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;
 - (s) money that is

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

- (i) paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or
 - (ii) paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry;
- (t) money paid under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
- (u) Repealed. [B.C. Reg. 197/2012, Sch. 2, s. 3 (b).]
- (v) money paid to a person in settlement of a claim of abuse at an Indian residential school, except money paid as income replacement in the settlement;
- (v.1) money that is paid or payable to or for a person if the payment is in accordance with
 - (i) the Sixties Scoop Settlement made November 30, 2017, or
 - (ii) the Federal Indian Day Schools Settlement made March 12, 2019, as amended May 13, 2019;
- (w) financial assistance payments provided under Part 6 of the Adoption Regulation, B.C. Reg. 291/96;
- (x) for a recipient who is participating in a self-employment program funded or established by the minister under section 8 of the Act,
 - (i) up to a maximum of \$5 000 kept by the recipient in a separate account described in section 4 (2) (b) (ii) of Schedule B, and
 - (ii) up to a maximum of \$50 000, or a greater amount approved by the minister, consisting of
 - (A) the value of assets used by the recipient in operating a small business under the self-employment program, and
 - (B) a loan that is not greater than the amount contemplated by the recipient's business plan, accepted under section 70.1 of this regulation, and received and used for the purposes set out in the business plan;
- (y) assets exempted under
 - (i) section 11 (2) [*asset development accounts*],
 - (ii) section 12 (2) [*assets held in trust for person with disabilities*], or
 - (iii) section 12.1 (2) [*temporary exemption of assets for person with disabilities or person receiving special care*];
- (z) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 3.]

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

- (aa) payments granted by the government of British Columbia under section 8 [*agreement with child's kin and others*] of the *Child, Family and Community Service Act*;
- (bb) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program;
- (cc) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 3.]
- (dd) payments granted by the government of British Columbia under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*, for contributions to the support of a child;
- (ee) payments granted by the government of British Columbia under the Ministry of Children and Family Development's
 - (i) Autism Funding: Under Age 6 Program, or
 - (ii) Autism Funding: Ages 6 – 18 Program;
- (ff) funds held in a registered education savings plan;
- (gg) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills program, or a supported work placement program, approved by Community Living BC;
- (hh) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act* (Canada);
- (ii) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990, except money paid under that agreement as income replacement;
- (jj) funds held in, or money withdrawn from, a registered disability savings plan;
- (kk) a working income tax benefit provided under the *Income Tax Act* (Canada);
- (ll) Repealed. [B.C. Reg. 180/2010, s. 2 (b).]
- (mm) the climate action dividend under section 13.02 of the *Income Tax Act*;
- (nn) money paid or payable to a person under the *Criminal Injury Compensation Act* as compensation for non-pecuniary loss or damage for pain, suffering mental or emotional trauma, humiliation or inconvenience that occurred when the person was under 19 years of age;
- (oo) money that is paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. S024338, Vancouver Registry;
- (oo.1) money that is paid or payable to or for a person if the payment is in accordance with the settlement under the Final Settlement Agreement and Supplementary Agreement approved by the Federal Court June 22, 2018 in Court File No. T-370-17, *Todd Edward Ross et al. v. Her Majesty the Queen*;
- (oo.2) money that is paid or payable to or for a person if the payment is in accordance with the settlement under the Final Settlement Agreement

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

approved by the Federal Court January 30, 2019 in Court File No. T-1068-14, *Raymond Michael Toth v. Her Majesty the Queen*;

- (pp) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Family Support Services program;
- (qq) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Supported Child Development program;
- (rr) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Aboriginal Supported Child Development program;
- (ss) a tax refund;
- (tt) a BC basic family bonus;
- (uu) money paid or payable from a fund that is established by the government of British Columbia, the government of Canada and the City of Vancouver in relation to recommendation 3.2 of the final report of the Missing Women Commission of Inquiry;
- (vv) payments granted by the government of British Columbia under the Temporary Education Support for Parents program;
- (ww) a BC early childhood tax benefit;
- (ww.1) a BC child opportunity benefit;
- (xx) money that is paid or payable by or for Community Living BC to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by Community Living BC, an employee of Community Living BC or a person retained under a contract to perform services for Community Living BC;
- (yy) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by the minister, the ministry, an employee of the ministry or a person retained under a contract to perform services for the ministry;
- (yy.1) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by the Minister of Children and Family Development, that ministry, an employee of that ministry or a person retained under a contract to perform services for that ministry;
- (yy.2) money that is paid or payable by the government of British Columbia to or for a person because the person was a resident of Woodlands School;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

- (zz) a disabled contributor's child's benefit paid or payable under the *Canada Pension Plan*;
- (aaa) payments granted under an agreement referred to in section 94 of the *Child, Family and Community Service Act*;
- (bbb) money that is paid or payable, in respect of a child, from property that comes into the control of, or is held by, the Public Guardian and Trustee;
- (ccc) money that is paid or payable from a settlement in respect of Treaty No. 8 agricultural benefits;
- (ddd) money that is paid or payable from a settlement under
 - (i) the Cadboro Bay Litigation Settlement Agreement, dated for reference November 1, 2017, between the Esquimalt Nation and Canada, or
 - (ii) the settlement agreement, dated for reference October 30, 2017, between the Songhees Nation and Canada;
- (eee) money that is paid or payable under the Memorial Grant Program for First Responders established under the authority of the *Department of Public Safety and Emergency Preparedness Act* (Canada);
- (fff) money, or goods or services in kind, received or to be received by a participant in the Ministry of Social Development and Poverty Reduction's Work Experience Opportunities Grant program from a grant under the program;
- (ggg) a rebate of all or part of a premium paid to the Insurance Corporation of British Columbia under the *Insurance (Vehicle) Act* and the plan operated under that Act;
- (hhh) an amount that is paid or payable, as a single payment or series of payments, as follows:
 - (i) the amount is paid or payable by a person who is or was a landlord, owner or manager, or a person who holds or held a similar position, in relation to leased, rented or licensed residential premises, whether or not the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act* applies to that premises;
 - (ii) the amount is paid or payable to a person who is or was a tenant, lessee, licensee or occupant, or a person who has or had a similar right or permission to use the premises for residential purposes;
 - (iii) the amount is paid or payable as full or partial compensation for loss of the residential use of the premises, including for eviction, relocation, demolition, temporary displacement during repair, renovation or redevelopment, or as an inducement to cease or suspend residential use;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Part 2 – Eligibility for Disability Assistance

- (iv) the amount is paid or payable under an enactment, a policy or a contract, or voluntarily or at the discretion of the person referred to in subparagraph (i);
 - (iii) money that is paid or is payable to or for a person from a settlement under the Williams Treaties Settlement Agreement signed August 22, 2018;
 - (jjj) money that is paid or is payable to or for a person from a settlement under the Missanabie Cree First Nation Treaty Land Entitlement Settlement Agreement signed April 24, 2020;
 - (kkk) money that is paid or is payable to or for a person from a settlement under the Peepeekisis Cree Nation File Hills Colony Specific Claim Settlement Agreement signed March 23, 2021;
 - (lll) money that is paid or is payable to or for a person from a settlement under an agreement to settle claims relating to the transfer of the Seabird Island Indian Reserve in 1959 by the Government of Canada to the Seabird Island Band and the distribution of shared trust funds on a per capita basis.
- (1.1) Despite subsection (1), assets described in subsection (1) (x) (ii) (A) are not exempt under subsection (1) (i), (j), (k), (l) or (m).
- (2) A family unit is not eligible for disability assistance if the family unit has assets with a total value of more than the following:
- (a) in the case of a family unit that includes one applicant or recipient who is designated as a person with disabilities, other than a family unit to which paragraph (b) applies, \$100 000;
 - (b) in the case of a family unit that includes one applicant or recipient who is designated as a person with disabilities, and another applicant or recipient who has applied for and has not been denied designation as a person with disabilities, \$200 000;
 - (c) in the case of a family unit that includes 2 applicants or recipients who are designated as persons with disabilities, \$200 000.
- (3) The minister may authorize one or more of the following:
- (a) that the total cash surrender value of an uncashed life insurance policy of an applicant or recipient is not to be included as an asset of the family unit for the purposes of subsection (2) for the period specified by the minister;
 - (b) that saleable acreage and buildings owned by an applicant or recipient are to be treated as though they were the place of residence of the applicant's or recipient's family unit for the period specified by the minister.

[am. B.C. Regs. 115/2003, Sch. 2, s. 1; 209/2003, Sch. 2, s. 1; 462/2003, Sch. B, s. 1; 276/2004, s. 2 (a); 22/2005, Sch. s. 2 (a); 305/2005, Sch. 2, s. 2; 306/2005, s. 4; 192/2006, s. 7; 250/2006, s. 2 (a); 195/2007, s. 4; 363/2007, s. (a); 48/2008, s. 2 (a); 87/2008, s. 2 (a); 94/2008, s. 2 (a); 180/2010, s. 2; 242/2010, s. 4; 85/2012, Sch. 2, s. 3; 197/2012, Sch. 2, ss. 3 and 4; 20/2013, s. 2; 31/2014, Sch. 2, s. 1; 172/2014, Sch. 2, s. 1; 41/2015, Sch. 2, s. 2; 204/2015, App. 2, s. 2; 283/2016, Sch. 2, s. 2; 96/2017, App. 2, s. 1; 34/2017, App. 2, s. 2; 179/2017, App. 2, s. 1; 150/2018, s. 2 (a); 151/2018, App. 2, s. 7; 189/2018, App. 2, s. 1 (a); 19/2019, App. 2, s. 1 (a); 226/2019, App. 2, s. 1; 259/2020, App. 2, s. 2; 278/2020, App. 2, s. 1; 21/2021, App. 2, s. 1 (a); 108/2021, App. 2, s. 2; 232/2021, Sch. 2, s. 1; 189/2021, App. 4; 303/2021, Sch. 2, s. 1.]

Asset development accounts**11** (1) In this section:

“**asset development account**” means a savings institution account that is

- (a) established exclusively for the purpose of enabling an applicant or a recipient to participate in an asset development account program, and
- (b) comprised exclusively of deposits of money contributed by an applicant or a recipient and additional amounts that
 - (i) are contributed by or through the operator of the asset development account program, and
 - (ii) equal the percentage of the applicant’s or recipient’s contributions established for the applicant or recipient under the program;

“**asset development account program**” means a saving program that is

- (a) designed to assist individuals to achieve savings for the purposes of future self-sufficiency or future enhanced self-sufficiency, and
 - (b) approved by the minister for the purposes of this regulation.
- (2) For the period that an applicant or recipient is participating in an asset development account program, the applicant’s or recipient’s asset development account is exempt as an asset for the purposes of section 10 (2) [*asset limits*].
- (3) If an applicant or recipient does not use all or part of the money contributed to an asset development account for the purposes specified under the program, subsection (2) ceases to apply to that portion of the money not used for those purposes.

Assets held in trust for person with disabilities**12** (1) In this section, “**disability-related cost**” means the cost of providing to a person with disabilities or a person receiving accommodation or care in a private hospital or a special care facility, other than a drug or alcohol treatment centre,

- (a) devices, or medical aids, related to improving the person’s health or well-being,
- (b) caregiver services or other services related to the person’s disability,
- (c) education or training,
- (d) any other item or service that promotes the person’s independence, and
- (e) if a person with disabilities does not reside in a special care facility, a private hospital or an extended care unit in a hospital,
 - (i) renovations to the person’s place of residence necessary to accommodate the needs resulting from the person’s disability, and
 - (ii) necessary maintenance for that place of residence.

- (2) If a person referred to in subsection (1) complies with subsection (4), up to \$200 000, or a higher limit if authorized by the minister under subsection (3), of

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

the aggregate value of the person's beneficial interest in real or personal property held in one or more trusts, calculated as follows:

- (a) the sum of the value of the capital of each trust on the later of April 26, 1996 or the date the trust was created, plus
 - (b) any capital subsequently contributed to a trust referred to in paragraph (a), is exempt for the purposes of section 10 (2) [*asset limits*].
- (3) If the minister is satisfied that, because of special circumstances, the lifetime disability-related costs of a person referred to in subsection (2) will amount to more than \$200 000, the minister may authorize a higher limit for the person for the purposes of subsection (2).
- (4) A person referred to in subsection (2) who has a beneficial interest in one or more trusts must keep records of the following and make the records available for inspection at the request of the minister:
- (a) for a trust created before April 26, 1996, the capital of the trust on that date;
 - (b) for a trust created on or after April 26, 1996, the capital of the trust on the date the trust was created;
 - (c) the amount of capital contributed in each subsequent year to a trust referred to in paragraph (a) or (b);
 - (d) all payments made after April 26, 1996 to or on behalf of the person from a trust in which that person has a beneficial interest.
- (5) For the purposes of this section, the real or personal property of a "patient", as defined in the *Patients Property Act*, who is a person with disabilities is to be treated as if the real or personal property were held in trust for the patient by the patient's committee.

[am. B.C. Reg. 197/2012, Sch. 2, s. 5.]

**Temporary exemption of assets for person
with disabilities or person receiving special care**

- 12.1** (1) In this section, "**person receiving special care**" means a person who is receiving accommodation or care in a private hospital or special care facility, other than a drug or alcohol treatment centre.
- (2) During the exemption period described in subsection (3), an asset received by a person with disabilities or by a person receiving special care is exempt for the purposes of section 10 (2) [*asset limits*] if the minister is satisfied that the person intends to
- (a) establish a registered disability savings plan or trust, and
 - (b) contribute some or all of the asset to the registered disability savings plan or trust.
- (3) The exemption under subsection (2) starts on the date the person receives the asset and ends 3 months after that date unless

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

- (a) the exemption period is extended to a later date under subsection (4), or
 - (b) the exemption ceases to apply under subsection (5).
- (4) The minister may extend the exemption period to a specified date if the minister is satisfied that the person is making reasonable efforts to establish a registered disability savings plan or trust.
- (5) The exemption under subsection (2) ceases to apply if
- (a) the person contributes all of the asset to a registered disability savings plan or trust, in which case the exemption ceases to apply to the asset on the date of the contribution,
 - (b) the person contributes a portion of the asset to a registered disability savings plan or trust, in which case the exemption ceases to apply to that portion on the date of the contribution, or
 - (c) the minister becomes aware of information that, in the minister's opinion, indicates that
 - (i) the person does not intend to contribute any portion of the asset to a registered disability savings plan or trust, in which case the exemption ceases to apply to the asset on the date specified by the minister, or
 - (ii) the person has contributed some of the asset to a registered disability savings plan or trust but does not intend to contribute any remaining portion of the asset to a registered disability savings plan or trust, in which case the exemption ceases to apply to the remaining portion on the date specified by the minister.
- (6) Amounts expended from an asset to which the exemption under subsection (2) applies are deemed to be money or value received from a trust within the meaning of paragraph (1) of the definition of "unearned income" in section 1 (1).

[en. B.C. Reg. 197/2012, Sch. 2, s. 6.]

Division 3 – Specific Circumstances of an Applicant or Recipient That Affect Eligibility

Effect of strike or lockout on eligibility

- 13** A family unit is not eligible for disability assistance if an applicant is on strike or locked out.

Effect of being in prison or other lawful place of confinement

- 14** A person is not eligible for disability assistance or supplements while the person
- (a) is detained in a lawful place of confinement, such as a federal or provincial correctional institution, jail, lockup, prison or camp, or

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

- (b) is absent from a lawful place of confinement under a temporary absence program and is residing at a halfway house that is funded, sponsored or contracted for by the federal, or a provincial, government.

Effect of recipient being absent from BC for more than 30 days

- 15** The family unit of a recipient who is outside of British Columbia for more than a total of 30 days in a year ceases to be eligible for disability assistance or hardship assistance unless the minister has given prior authorization for the continuance of disability assistance or hardship assistance for the purpose of
- (a) permitting the recipient to participate in a formal education program,
 - (b) permitting the recipient to obtain medical therapy prescribed by a medical practitioner, or
 - (c) avoiding undue hardship.

Division 4 – Assignment of Maintenance Rights**Definitions for Division**

- 16** In this Division:
- “**assignor**” means a person who has made an assignment;
 - “**maintenance**” has the same meaning as in section 1 (1) of the *Family Maintenance Enforcement Act*;
 - “**maintenance agreement**” means a written agreement containing provisions respecting the payment of maintenance;
 - “**maintenance order**” has the same meaning as in section 1 (1) of the *Family Maintenance Enforcement Act*;
 - “**maintenance right**” means a right relating to the receipt of maintenance and includes the following:
 - (a) the right to make an application under an enactment of British Columbia for a maintenance order;
 - (b) the right to enter into a maintenance agreement;
 - (c) the right to defend an application for variation of a maintenance order or maintenance agreement.

[am. B.C. Regs. 316/2006, s. 1; 364/2012, s. 2; 62/2015, Sch. 2, s. 2.]

Assignment of maintenance rights

- 17** (1) An applicant or recipient who has or may have in the future a maintenance right for the applicant or recipient or for a dependant may, with the consent of the minister, assign the maintenance right to the minister.
- (2) An assignment under this section is terminated if
- (a) the assignor ceases to receive disability assistance or hardship assistance, or

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

- (b) the minister or the assignor delivers written notice to the other of the termination.

[en. B.C. Reg. 62/2015, Sch. 2, s. 2; am. B.C. Reg. 35/2020, App. 2, s. 2.]

18 Repealed. [B.C. Reg. 62/2015, Sch. 2, s. 2.]

Notice of assignment

- 19** (1) Before taking any steps to enforce maintenance rights assigned under this Division, the minister must give written notice of the assignment to the person against whom the minister intends to exercise the assigned maintenance rights.
- (2) A person to whom notice of assignment is given under subsection (1) must promptly serve the minister with a copy of any application made by the person to vary, rescind or suspend a maintenance order or to reduce or cancel arrears under a maintenance order.
- (3) The minister's inability, after reasonable effort, to give notice under subsection (1) does not affect the validity of proceedings under this Division.
- (4) Notice under subsection (1) may be given by ordinary mail.

20 to 22 Repealed. [B.C. Reg. 62/2015, Sch. 2, s. 2.]

Division 5 – Amount and Duration of Disability Assistance**Effective date of eligibility**

- 23** (1) Except as provided in subsections (1.1), (3.11) and (3.2), the family unit of an applicant for designation as a person with disabilities or for both that designation and disability assistance
- (a) is not eligible for disability assistance until the first day of the month after the month in which the minister designates the applicant as a person with disabilities, and
- (b) on that date, the family unit becomes eligible under section 4 and 5 of Schedule A for that portion of that month's shelter costs that remains unpaid on that date.
- (1.1) The family unit of an applicant who applies for disability assistance while the applicant is 17 years of age and who the minister has determined will be designated as a person with disabilities on the applicant's 18th birthday
- (a) is eligible for disability assistance on that 18th birthday, and
- (b) on that date, is eligible under section 4 and 5 of Schedule A for that portion of the month's shelter costs that remains unpaid on that date.
- (1.2) A family unit of an applicant for disability assistance who has been designated as a person with disabilities becomes eligible for

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 2 – Eligibility for Disability Assistance

- (a) a support allowance under sections 2 and 3 of Schedule A on the disability assistance application date,
 - (b) for a shelter allowance under sections 4 and 5 of Schedule A on the first day of the calendar month that includes the disability assistance application date, but only for that portion of that month's shelter costs that remains unpaid on the date of that submission, and
 - (c) for disability assistance under sections 6 to 9 of Schedule A on the disability assistance application date.
- (2) Subject to subsections (3.01) and (3.1), a family unit is not eligible for a supplement in respect of a period before the minister determines the family unit is eligible for it.
- (3) Repealed. [B.C. Reg. 340/2008, s. 2.]
- (3.01) If the minister decides, on a request made under section 16 (1) [*reconsideration and appeal rights*] of the Act, to provide a supplement, the family unit is eligible for the supplement from the earlier of
 - (a) the date the minister makes the decision on the request made under section 16 (1) of the Act, and
 - (b) the applicable of the dates referred to in section 72 of this regulation.
- (3.1) If the tribunal rescinds a decision of the minister refusing a supplement, the family unit is eligible for the supplement on the earlier of the dates referred to in subsection (3.01).
- (3.11) If the minister decides, on a request made under section 16 (1) of the Act, to designate a person as a person with disabilities, the person's family unit becomes eligible to receive disability assistance at the rate specified under Schedule A for a family unit that matches that family unit on the first day of the month after the month containing the earlier of
 - (a) the date the minister makes the decision on the request made under section 16 (1) of the Act, and
 - (b) the applicable of the dates referred to in section 72 of this regulation.
- (3.2) If the tribunal rescinds a decision of the minister determining that a person does not qualify as a person with disabilities, the person's family unit is eligible to receive disability assistance at the rate specified under Schedule A for a family unit that matches that family unit on the first day of the month after the month containing the earlier of the dates referred to in subsection (3.11).
- (4) If a family unit that includes an applicant who has been designated as a person with disabilities does not receive disability assistance from the date the family unit became eligible for it, the minister may backdate payment but only to whichever of the following results in the shorter payment period:
 - (a) the date the family unit became eligible for disability assistance;
 - (b) 12 calendar months before the date of payment.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 3 – Other Factors That Affect Eligibility for Disability Assistance or Hardship Assistance

- (5) Subject to subsection (6), a family unit is not eligible for any assistance in respect of a service provided or a cost incurred before the calendar month in which the assistance is requested.
- (6) Subsection (5) does not apply to assistance in respect of moving costs as defined in section 55.

[am. B.C. Regs. 340/2008, s. 2; 264/2013, s. 2; 151/2018, App. 2, ss. 7 and 8; 122/2019, App. 2, s. 1; 35/2020, App. 2, s. 3.]

Amount of disability assistance

- 24** Disability assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than

- (a) the amount determined under Schedule A, minus
- (b) the family unit's net income determined under Schedule B.

[am. B.C. Regs. 175/2016, App. 1, s. 4; 193/2017, s. 2.]

- 24.1** Repealed. [B.C. Reg. 193/2017, s. 3.]

PART 3 – OTHER FACTORS THAT AFFECT ELIGIBILITY FOR DISABILITY ASSISTANCE OR HARDSHIP ASSISTANCE

Division 1 – Factors Related to Employment and Employment Plans

Consequences of failing to meet employment-related obligations

- 25** (1) For the purposes of section 12 (2) (a) [*consequences of not meeting employment-related obligations*] of the Act,
- (a) for a default referred to in section 12 (1) (a) of the Act, the disability assistance or hardship assistance provided to or for the family unit must be reduced by \$100 for each of 2 calendar months starting from the later of the following dates:
 - (i) the disability assistance application date under this regulation;
 - (ii) the date the default occurred, and
 - (b) for a default referred to in section 12 (1) (b) of the Act, the disability assistance or hardship assistance provided to or for the family unit must be reduced by \$100 for each calendar month until the later of the following occurs:
 - (i) the disability assistance or hardship assistance provided to the family unit has been reduced for one calendar month;
 - (ii) the minister is satisfied that the applicant or recipient who committed the default is demonstrating reasonable efforts to search for employment.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 3 – Other Factors That Affect Eligibility for Disability Assistance or Hardship Assistance

- (2) The reduction under subsection (1) applies in respect of each applicant or recipient in a family unit who does anything prohibited under section 12 (1) [*consequences of not meeting employment-related obligations*] of the Act.
- (3) For the purposes of section 12 (2) (b) [*consequences of not meeting employment-related obligations*] of the Act, the period of ineligibility for disability assistance lasts
 - (a) for a default referred in to section 12 (1) (a) of the Act, until 2 calendar months have elapsed from the later of the following dates:
 - (i) the disability assistance application date under this regulation;
 - (ii) the date the default occurred, and
 - (b) for a default referred to in section 12 (1) (b) of the Act, until the later of the following has occurred:
 - (i) the family unit has been ineligible for disability assistance for one calendar month;
 - (ii) the minister is satisfied that the applicant or recipient who committed the default is demonstrating reasonable efforts to search for employment.
- (4) Section 12 [*consequences of not meeting employment-related obligations*] of the Act does not apply to a family unit of an applicant or recipient who is in any of the following categories:
 - (a) Repealed. [B.C. Reg. 116/2003, Sch. 2.]
 - (b) sole applicants or sole recipients who have at least one dependent child who
 - (i) has not reached 3 years of age, or
 - (ii) has a physical or mental condition that, in the minister's opinion, precludes the sole applicant or recipient from leaving home for the purposes of employment;
 - (c) Repealed. [B.C. Reg. 48/2010, Sch. 1, s. 2 (c).]
 - (d) sole applicants or sole recipients who are providing care to a child in care who
 - (i) has not reached 3 years of age, or
 - (ii) has a physical or mental condition that, in the minister's opinion, precludes the sole applicant or recipient from leaving home for the purposes of employment;
 - (e) persons who receive accommodation and care in a special care facility or private hospital;
 - (f) applicants or recipients admitted to hospital because they require extended care;
 - (g) applicants or recipients in family units that include only applicants or recipients who are
 - (i) persons with

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 3 – Other Factors That Affect Eligibility for Disability Assistance or Hardship Assistance

- (A) a drug or alcohol problem,
 - (B) a mental health condition, or
 - (C) a medical condition
- that, in the minister's opinion, interferes with their ability to search for, accept or continue in employment,
- (ii) persons who are participating in a treatment or rehabilitation program approved by the minister, if their participation in that program, in the minister's opinion, interferes with their ability to search for, accept or continue in employment,
 - (iii) persons who have separated from an abusive spouse or relative within the previous 6 months, if, in the minister's opinion, the abuse or the separation interferes with their ability to search for, accept or continue in employment,
 - (iv) persons not described in section 6 (2) [*citizenship requirements*], or
 - (v) persons who have reached 65 years of age;
- (h) persons who reside with and care for a spouse who has a physical or mental condition that, in the minister's opinion, precludes the person from leaving home for the purposes of employment;
- (i) sole applicants or sole recipients who are providing care under an agreement referred to in section 8 [*agreements with child's kin and others*] of the *Child, Family and Community Service Act* for a child who
- (i) has not reached 3 years of age, or
 - (ii) has a physical or mental condition that, in the minister's opinion, precludes the sole applicant or recipient from leaving home for the purposes of employment;
- (j) sole applicants or sole recipients who are providing care under an agreement referred to in section 93 (1) (g) (ii) [*other powers and duties of directors*] of the *Child, Family and Community Service Act* for a child who
- (i) has not reached 3 years of age, or
 - (ii) has a physical or mental condition that, in the minister's opinion, precludes the sole applicant or recipient from leaving home for the purposes of employment.

[am. B.C. Regs 367/2002, Sch. 2; 116/2003, Sch. 2; 287/2003; 331/2003, s. 3; 306/2005, s. 4; 48/2010, Sch. 1, s. 2 (c); 145/2015, Sch. 2, s. 3; 151/2018, App. 2, s. 7.]

Consequences if dependent youth fails to enter into or comply with employment plan

- 26** For the purposes of section 9 (5) [*employment plan*] of the Act, if a dependent youth fails to enter into or comply with the conditions in an employment plan when required to do so by the minister, the disability assistance or hardship assistance provided for each calendar month to the dependent youth's family unit may be reduced by \$100

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 3 – Other Factors That Affect Eligibility for Disability Assistance or Hardship Assistance

until the dependent youth enters into, or complies with the conditions in, an employment plan.

Division 2 – Factors Related to Income and Assets**Effect of failing to pursue or accept income
or assets or of disposing of assets**

- 27** (1) For the purposes of section 13 (3) (a) [*consequences of not accepting or disposing of property*] of the Act in relation to a failure to accept or pursue income, assets or other means of support referred to in section 13 (1) (a) of the Act, the amount of a reduction is \$100 for each calendar month for each applicant or recipient in the family unit and the period of the reduction is
- (a) if the income, assets or other means of support are still available, until the failure is remedied, and
 - (b) if the income, assets or other means of support are no longer available, for one calendar month for each \$2 000 of the value of the forgone income, assets or other means of support.
- (2) For a family unit that is declared ineligible under section 13 (3) (b) of the Act for disability assistance or hardship assistance because an applicant or recipient in the family unit failed to accept or pursue income, assets or other means of support referred to in section 13 (1) (a) of the Act, the period of ineligibility is,
- (a) if the income, assets or other means of support are still available when the declaration is made, until the failure is remedied, and
 - (b) if the income, assets or other means of support are no longer available when the declaration is made, one calendar month for each \$2 000 of the value of the forgone income, assets or other means of support.
- (3) For the purposes of section 13 (3) (a) of the Act in relation to the family unit of an applicant or recipient who has disposed of real or personal property for consideration that, in the minister's opinion, is inadequate,
- (a) the amount of the reduction is \$100 for each calendar month for each applicant or recipient in the family unit, and
 - (b) the period of the reduction is one calendar month for each \$2 000 of the value of the forgone consideration.
- (4) For the purposes of section 13 (3) (b) of the Act in relation to the family unit of an applicant or recipient who has disposed of real or personal property for consideration that, in the minister's opinion, is inadequate, the period of the ineligibility is one calendar month for each \$2 000 of the value of the forgone consideration.
- (5) For the purposes of section 13 (2) of the Act, the period of ineligibility is 2 calendar months for each \$2 000 of the value of the real or personal property that was disposed of to reduce assets.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 3 – Other Factors That Affect Eligibility for Disability Assistance or Hardship Assistance

Retirement pension available before age 65

- 27.1** For the purposes of section 13 (1) (a) of the Act, the minister must not consider retirement pension payments available under the Canada Pension Plan or the Quebec Pension Plan (Quebec) to an applicant or recipient before the applicant or recipient reaches 65 years of age to be income, assets or other means of support that would, if accepted or pursued, enable the applicant or recipient to be completely or partly independent of disability assistance, hardship assistance or supplements.

[en. B.C. Reg. 270/2019, App. 2, s. 3.]

Division 3 – Factors Related to Providing Information and Verification**Consequences of failing to provide information
or verification when directed**

- 28** (0.1) For the purposes of section 10 (4) (a) [*information and verification*] of the Act,
- (a) the amount by which the minister may reduce the disability assistance or hardship assistance of the recipient's family unit is \$25 for each calendar month, and
 - (b) the period for which the minister may reduce the disability assistance or hardship assistance of the recipient's family unit lasts until the recipient complies with the direction.
- (1) For the purposes of section 10 (4) (b) [*information and verification*] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction.
- (1.1) Section 10 (4) (b) of the Act does not apply if the minister is satisfied that the family unit is homeless or at imminent risk of becoming homeless.
- (2) For the purposes of section 10 (5) [*information and verification*] of the Act,
- (a) the amount by which the minister may reduce the disability assistance or hardship assistance of the dependent youth's family unit is \$25 for each calendar month, and
 - (b) the period for which the minister may reduce the disability assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

[am. B.C. Reg. 270/2019, App. 2, s. 4.]

Consequences for providing inaccurate or incomplete information

- 28.1** If the minister determines under section 14.1 (1) of the Act that the minister may take action under section 14.1 (2) of the Act in relation to a family unit, the disability assistance or hardship assistance provided to or for the family unit may be reduced by \$25 for
- (a) a first determination, for the next 3 calendar months for which disability assistance or hardship assistance is provided to or for the family unit, starting with the first calendar month

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 3 – Other Factors That Affect Eligibility for Disability Assistance or Hardship Assistance

- (i) following the calendar month in which the minister made the determination, and
 - (ii) for which disability assistance or hardship assistance is provided to or for the family unit,
- (b) a second determination, for the next 6 calendar months for which disability assistance or hardship assistance is provided to or for the family unit, starting with the first calendar month
 - (i) following the calendar month in which the minister made the determination, and
 - (ii) for which disability assistance or hardship assistance is provided to or for the family unit, and
- (c) a third or subsequent determination, for the next 12 calendar months for which disability assistance or hardship assistance is provided to or for the family unit, starting with the first calendar month
 - (i) following the calendar month in which the minister made the determination, and
 - (ii) for which disability assistance or hardship assistance is provided to or for the family unit.

[en. B.C. Reg. 193/2006, s. 4.]

Reporting requirement

- 29** For the purposes of section 11 (1) (a) [*reporting obligations*] of the Act,
- (a) the report must be submitted by the 5th day of the calendar month following the calendar month in which one or more of the following occur:
 - (i) a change that is listed in paragraph (b) (i) to (v);
 - (ii) a family unit receives earned income as set out in paragraph (b) (vi);
 - (iii) a family unit receives unearned income that is compensation paid under section 191 [*temporary total disability*] or 192 [*temporary partial disability*] of the *Workers Compensation Act* as set out in paragraph (b) (vii), and
 - (b) the information required is all of the following, as requested in the monthly report form specified by the minister:
 - (i) change in the family unit's assets;
 - (ii) change in income received by the family unit and the source of that income;
 - (iii) change in the employment and educational circumstances of recipients in the family unit;
 - (iv) change in family unit membership or the marital status of a recipient;
 - (v) any warrants as described in section 14.2 (1) of the Act;
 - (vi) the amount of earned income received by the family unit in the calendar month and the source of that income;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 3 – Other Factors That Affect Eligibility for Disability Assistance or Hardship Assistance

- (vii) the amount of unearned income that is compensation paid under section 191 [*temporary total disability*] or 192 [*temporary partial disability*] of the *Workers Compensation Act* received by the family unit in the calendar month.

[en. B.C. Reg. 335/2007; am. B.C. Regs. 85/2012, Sch. 2, s. 4; 332/2012, s. 1; 226/2014, s. 1; 151/2018, App. 2, s. 9; 270/2019, App. 2, s. 5; 268/2020, App. 2, s. 2.]

Voluntary reporting

- 29.1** For the purpose of the re-establishment of eligibility under section 4.4 [*re-establishment of eligibility for disability assistance*], voluntary reports may be submitted on a monthly basis in respect of a family unit described in that section in the same manner and using the same form as in section 29.

[en. B.C. Reg. 175/2016, App. 1, s. 6.]

Requirement for eligibility audit

- 30** (1) For the purposes of auditing eligibility for assistance or ensuring a recipient's continuing compliance with the Act and the regulations, the minister may do either or both of the following:
- (a) require the recipient to attend in person on the date, and at the ministry office, specified by the minister;
 - (b) require the recipient to complete a form specified by the minister for use under this section and deliver the form to a ministry office specified by the minister.
- (2) A recipient who is required under subsection (1) (b) to complete a form but who is not required to attend in person at a ministry office must deliver that form to the specified ministry office within 20 business days after being notified of the requirement to complete the form.
- (3) Delivery of the form under subsection (2) may be made by
- (a) leaving it with an employee in the ministry office, or
 - (b) mailing it to that office.
- (4) The minister may declare a family unit to be ineligible for assistance if
- (a) a recipient in the family unit fails to attend in person at the ministry office when required to do so by the minister under subsection (1) (a), or
 - (b) a recipient in the family unit fails to complete and deliver the form when required to do so by the minister under subsection (1) (b).

[am. B.C. Regs. 84/2012, Sch. 2, s. 2; 270/2019, App. 2, s. 6.]

Division 4

31 to 34 Repealed. [B.C. Reg. 149/2015, Sch. s. 5.]

Division 5 – Outstanding Arrest Warrants

Consequences in relation to outstanding arrest warrants

34.1 Section 14.2 [*consequences in relation to outstanding arrest warrants*] of the Act does not apply to a family unit of an applicant or recipient for whom a warrant for arrest within the meaning of section 14.2 of the Act has been issued and who

- (a) is pregnant,
- (b) is in the end stage of a terminal illness, or
- (c) is under 18 years of age.

[en. B.C. Reg. 73/2010, s. 7.]

PART 4 – HARDSHIP ASSISTANCE

Hardship assistance – eligibility and limitations

- 35** (1) For a family unit to be eligible for hardship assistance, the family unit
- (a) must be ineligible for disability assistance for one or more reasons set out in sections 37 to 41, and
 - (b) must not be ineligible for disability assistance for any other reason.
- (2) A family unit that is eligible for hardship assistance must be provided with hardship assistance
- (a) in accordance with Schedule D,
 - (b) only for the calendar month that contains the disability assistance application date, and
 - (c) subject to section 4 (2) of Schedule D, only from the date in that calendar month on which the minister determines that the family unit is eligible for hardship assistance.
- (3) A family unit to which hardship assistance has been provided for 3 consecutive calendar months because of the circumstances described in section 37, 39 or 41 is not eligible for hardship assistance under any of those sections for the 3 consecutive calendar months immediately following those 3 calendar months of receipt.

[en. B.C. Reg. 161/2004, s. 3; am. B.C. Regs. 306/2005, s. 5; 102/2008, s. 3; 149/2015, Sch. s. 6; 151/2018, App. 2, s. 7.]

Rules about applications, payments, etc.

- 36** Subject to this Part, the following sections apply in respect of hardship assistance:
- (a) section 4 [*application and applicant orientation requirements*];
 - (a.1) section 4.1 [*application for income assistance – stage 1*];
 - (a.2) section 4.2 [*application for income assistance – stage 2*];
 - (b) section 5 [*applicant requirements*];

- (c) section 6 [*citizenship requirements*];
- (c.1) section 6.1 [*exemption from citizenship requirements*];
- (d) section 7 [*effect of applying for other sources of income*];
- (e) section 8 [*requirement to apply for CPP benefits*];
- (f) section 9 [*limits on income*];
- (g) section 10 [*asset limits*].

[am. B.C. Regs. 313/2007, s. 2 (b); 198/2012, Sch. 2, s. 5.]

Applicants who do not meet requirement for social insurance number or proof of identity

- 37** The minister may provide hardship assistance to a family unit that is not eligible for disability assistance because of the failure to provide a social insurance number or proof of identity required under section 4.1 (2) (a) (i) or 4.2 (3) (a) if
- (a) the minister considers that undue hardship will otherwise occur, and
 - (b) the minister is satisfied that the applicant is making every effort to supply the social insurance number or proof of identity.
- [am. B.C. Reg. 313/2007, s. 2 (c).]

- 38** Repealed. [B.C. Reg. 69/2008, s. 2 (c).]

Applicants who fail to provide sponsorship information

- 38.1** The minister may provide hardship assistance to the family unit of an applicant described in section 6 (1) (a) or (b) [*citizenship requirements*] that is not eligible for disability assistance because of the failure to provide the information and verifications required under section 4.2 (3) (c) for the minister to determine whether unearned income described in paragraph (v) of the definition in section 1 (1) of “unearned income” is available to the family unit, if
- (a) the minister considers that undue hardship will otherwise occur, and
 - (b) the minister is satisfied that the applicant is making every effort to supply the information and verifications.
- [en. B.C. Reg. 161/2004, s. 4; am. B.C. Reg. 313/2007, s. 2 (d).]

Family units that have excess income

- 39** The minister may provide hardship assistance to a family unit that is not eligible for disability assistance because the income of the family unit exceeds the limit under section 9 [*limits on income*] if
- (a) the minister considers that undue hardship will otherwise occur,
 - (b) the applicant provides the type of security specified by the minister for the repayment of the hardship assistance,
 - (c) the family unit includes one or more dependent children, and

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 4 – Hardship Assistance

- (d) the income that causes the family unit to be ineligible for disability assistance could not, in the minister's opinion, reasonably be expected to be used to meet the family unit's basic needs.

Applicant on strike or locked out

- 40** The minister may provide hardship assistance to a family unit that is not eligible for disability assistance because an applicant is on strike or locked out if
- (a) the minister considers that undue hardship will otherwise occur,
 - (b) the applicant provides the type of security specified by the minister for the repayment of the hardship assistance, and
 - (c) the applicant satisfies the minister that the financial assistance that the applicant who is on strike or locked out is eligible for from the applicant's trade union, combined with the other resources of the family unit, is inadequate to meet the basic needs of the family unit.

[am. B.C. Reg. 35/2020, App. 2, s. 4.]

Family units that have excess assets

- 41** The minister may provide hardship assistance to a family unit that is not eligible for disability assistance because the assets of the family unit exceed the applicable limit under section 10 (2) [*asset limits*] if
- (a) the minister considers that undue hardship will otherwise occur,
 - (b) the applicant provides the type of security specified by the minister for the repayment of the hardship assistance,
 - (c) the applicant satisfies the minister that
 - (i) the assets that caused the family unit to be ineligible are not immediately available to meet the family unit's basic needs, and
 - (ii) every effort has been made and continues to be made to sell the assets, and
 - (d) the family unit
 - (i) includes one or more dependent children, or
 - (ii) includes only persons who have reached 65 years of age.

42 and 42.1 Repealed. [B.C. Reg. 149/2015, Sch. s. 7.]

Hardship assistance not repayable

- 42.2** (1) Hardship assistance provided to a family unit under section 39 or 41 is not repayable if requiring the family unit to use the income or sell the assets, as applicable, that cause the family unit to be ineligible for disability assistance would put a person in the family unit at risk of domestic violence.
- (2) If hardship assistance is provided to a family unit, the family unit is not required to repay the amount of the hardship assistance, if any, that is calculated in

accordance with section 5 (c.1) of Schedule D as it pertains to section 8 (1) of Schedule A.

[en. B.C. Reg. 270/2019, App. 2, s. 7.]

PART 5 – SUPPLEMENTS

Division 1 – Supplements – Family Unit Eligible for Disability Assistance

Supplement for purchase of co-op housing shares

- 43** (1) To enable the family unit of a recipient of disability assistance to obtain residential accommodation, the minister may provide a lump sum to or for the family unit for the purchase of membership shares in a cooperative association.
- (2) A lump sum may be paid under subsection (1) only if
- (a) the family unit has received disability assistance or income assistance for at least the 3 previous calendar months, and
 - (b) the recipient agrees in writing to repay the lump sum.
- (3) The amount of the lump sum under subsection (1) is limited to the smaller of the following:
- (a) \$850;
 - (b) 50% of the cost of the membership shares.
- (4) For the purposes of subsection (2):
- “**disability assistance**” includes a disability allowance under the *Disability Benefits Program Act* as it read immediately before its repeal;
- “**income assistance**” includes
- (a) income assistance under the *BC Benefits (Income Assistance) Act* as it read immediately before its repeal, and
 - (b) a youth allowance under the *BC Benefits (Youth Works) Act* as it read immediately before its repeal.

[am. B.C. Reg. 270/2019, App. 2, s. 8.]

43.1 and 44 Repealed. [B.C. Reg. 270/2019, App. 2, s. 9.]

45 Repealed. [B.C. Reg. 196/2012, Sch. 2, s. 1.]

46 Repealed. [B.C. Reg. 192/2006, s. 8.]

47 and 48 Repealed. [B.C. Reg. 148/2011, s. (b).]

Training initiative supplement

- 49** (1) The minister may provide a training initiative supplement to or for a family unit that is eligible for disability assistance of \$50 each month towards the expenses

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

of a recipient or a dependant in the family unit of participating in a training initiative program established under section 8 of the Act.

- (2) Only 6 monthly payments may be made under this section in respect of a recipient or dependant over any period of 36 consecutive months, beginning with the month the recipient first receives the supplement, unless more payments are authorized under subsection (3).
- (3) The minister may authorize up to 6 more monthly payments, if satisfied that the person participating in the training initiative program would, because of the nature of the person's disability, benefit from more participation.
- (4) Repealed. [B.C. Reg. 148/2011, s. (b).]

[am. B.C. Reg. 148/2011, s. (b).]

50 and 50.1 Repealed. [B.C. Reg. 270/2019, App. 2, s. 9.]

Spouse bus pass supplement

- 51** (1) The minister may provide a supplement to or for a family unit that is eligible for disability assistance and contributes \$45 to the cost to provide an annual pass for the personal use of the spouse of a person with disabilities in the family unit if that spouse
- (a) is 60 or more years of age,
 - (b) receives the federal spouse's allowance or federal guaranteed income supplement, or
 - (c) is 65 years of age or more and meets all the eligibility requirements for the federal guaranteed income supplement except the 10 year residency requirement.
- (2) In this section, "**annual pass**" means an annual pass to use a public passenger transportation system in a transit service area established under section 25 of the *British Columbia Transit Act* or in a transportation service region, as defined in the *South Coast British Columbia Transportation Authority Act*.

[am. B.C. Reg. 175/2016, App. 1, s. 7.]

52 Repealed. [B.C. Reg. 270/2019, App. 2, s. 9.]

Division 2

53 Repealed. [B.C. Reg. 122/2019, App. 2, s. 2.]

Division 3 – Supplements – Family Unit Eligible for Disability Assistance or Hardship Assistance

Supplements related to employment plan

- 54** (1) The minister may provide any of the following supplements to or for a family unit that is eligible for disability assistance or hardship assistance to assist an applicant, a recipient or a dependent youth in the family unit to participate, in accordance with an employment plan, in an employment-related program:
- (a) up to \$100 for each calendar month to assist with transportation and attendance costs associated with participating in the employment-related program;
 - (b) the costs of tuition, books and supplies required to participate in the employment-related program;
 - (c) up to \$200 for the cost of safety clothing required to participate in the employment-related program if the employment-related program is a workplace training or work experience program.
- (2) The minister may provide a supplement to or for a family unit that is eligible for disability assistance or hardship assistance of up to \$100 for each calendar month to assist an applicant, a recipient or a dependent youth in the family unit to participate, in accordance with an employment plan, in a volunteer incentive program as preparation for employment.
- (3) Only 6 monthly payments may be made under subsection (2) to or for a family unit in respect of an applicant, recipient or dependent youth over any period of 36 consecutive calendar months, beginning with the calendar month for which the family unit first received the supplement on account of the applicant, recipient or dependent youth, unless the minister authorizes up to 6 more monthly payments.

Confirmed job supplement

- 54.1** The minister may provide a supplement of up to a maximum of \$1 000 to or for a family unit that is eligible for disability assistance or hardship assistance if
- (a) a recipient in the family unit obtains confirmed employment that, in the opinion of the minister, will enable the family unit to become independent of disability assistance or hardship assistance,
 - (b) in the opinion of the minister, the recipient requires transportation, clothing, tools or other employment-related items in order to commence the employment, and
 - (c) there are no resources available to the family unit to cover the cost.

[en. B.C. Reg. 313/2002, s. 1.]

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

Persons with disabilities transportation supplement

- 54.2** (1) The minister may provide a transportation supplement to or for a family unit that is eligible for disability assistance or hardship assistance for a calendar month, in respect of each recipient who is designated as a person with disabilities in the family unit, in one of the following forms:
- (a) in money, in the amount of \$52;
 - (b) in kind, in the form of a pass, deemed to have a value of \$52 for the purposes of this regulation, for the personal use of the person with disabilities on a public passenger transportation system in
 - (i) a transit service area established under section 25 of the *British Columbia Transit Act*, or
 - (ii) a transportation service region as defined in the *South Coast British Columbia Transportation Authority Act*.
- (2) If a recipient who is provided a supplement under either paragraph (a) or (b) of subsection (1) gives the minister notice that the recipient wishes to receive the other form of supplement provided under that subsection, the minister may provide that other form of supplement for a subsequent month.
- (3) An annual pass, as defined in section 51 (2) [*spouse bus pass supplement*], is deemed to be a supplement provided in kind under subsection (1) (b) of this section if the annual pass was provided to or for a recipient who is designated as a person with disabilities and who was previously provided the annual pass for personal use
- (a) as the spouse of a person with disabilities under section 51 (1), or
 - (b) under section 66 (1) [*bus pass supplement*] of the Employment and Assistance Regulation.
- [en. B.C. Reg. 193/2017, s. 4.]

Pre-natal shelter supplement

- 54.3** (1) The minister may provide a pre-natal shelter supplement of up to \$195 per month for the duration of the pregnancy if the supplement is provided to a sole recipient without dependants who is a recipient of
- (a) disability assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*] or 6 [*people receiving room and board*] of Schedule A, or
 - (b) hardship assistance under section 2 [*maximum amounts of hardship assistance*] or 5 (c) [*calculation of maximum amounts*] of Schedule D.
- (2) A sole recipient is eligible to receive the pre-natal shelter supplement while the sole recipient is pregnant, as confirmed in writing by a medical practitioner, nurse practitioner or midwife.

[en. B.C. Reg. 270/2019, App. 2, s. 10; am. B.C. Reg. 206/2020, s. 6.]

Christmas supplement

- 54.4** (1) The minister may provide an annual Christmas supplement to or for a family unit that is eligible for disability assistance or hardship assistance.
- (2) The minister may specify
- (a) the amount to be provided as a Christmas supplement, which may be different for different categories of family units, and
 - (b) the time when the supplement is to be provided.
- [en. B.C. Reg. 270/2019, App. 2, s. 10.]

Clothing supplement for people in special care facilities

- 54.5** (1) The minister may provide a supplement, for the purchase of necessary clothing, to a person with disabilities who is eligible for disability assistance or hardship assistance and receives accommodation and care in a special care facility if
- (a) clothing is not provided in the facility,
 - (b) there are no funds available from the recipient's comforts allowance to purchase the clothing, and
 - (c) there are no resources available to the recipient's family unit to pay for the clothing.
- (2) Subsection (1) does not apply if the special care facility is an alcohol or drug treatment centre or a special care facility described in section 8 (3) of Schedule A.
- [en. B.C. Reg. 270/2019, App. 2, s. 10.]

Transportation to special care facilities supplement

- 54.6** (1) Subject to subsection (2), the minister may provide a supplement to a recipient who is eligible for disability assistance or hardship assistance for transportation to a special care facility that is an alcohol or drug treatment centre.
- (2) A supplement may be provided under this section only
- (a) if the recipient receives the minister's approval before incurring the transportation costs,
 - (b) if there are no resources available to the recipient's family unit to pay the transportation costs, and
 - (c) for the least expensive appropriate mode of transportation.
- [en. B.C. Reg. 270/2019, App. 2, s. 10.]

Reconsideration or appeal supplement

- 54.7** (1) For the purposes of this section, a reconsideration or appeal is determined when
- (a) a decision of the minister or a decision of the tribunal has been made in the reconsideration or appeal, if the decision can be implemented without a further decision as to amount, or
 - (b) if a decision of the tribunal requires a further decision of the minister as to amount, the decision of the minister as to amount has been made.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

- (2) The minister may provide a supplement to or for a family unit that is eligible for disability assistance or hardship assistance if a recipient in the family unit delivers a request for a reconsideration under section 71 [*how a request to reconsider a decision is made*] or submits an appeal form under section 84 [*commencing an appeal*] of the Employment and Assistance Regulation in respect of a decision that,
- (a) in the case of a family unit that is eligible for disability assistance, resulted in a discontinuation or reduction of disability assistance or a supplement, or
 - (b) in the case of a family unit that is eligible for hardship assistance, resulted in a discontinuation or reduction of a supplement,
- but only if the recipient agrees in writing to repay the amount of the supplement provided under this section.
- (3) A supplement under this section may be provided for the shorter of
- (a) the period between the date that a request for reconsideration or an appeal form is delivered or submitted and the date that the reconsideration or appeal is determined, and
 - (b) the period between the date that the disability assistance or supplement was reduced or discontinued and the date that the reconsideration or appeal is determined.
- (4) A supplement under this section is limited to the following amounts, as applicable:
- (a) if the request for a reconsideration or the appeal form is in respect of a decision that resulted in a discontinuation of disability assistance or a supplement, the amount of the discontinued disability assistance or supplement;
 - (b) if the request for a reconsideration or the appeal form is in respect of a decision that resulted in a reduction of disability assistance or a supplement, the amount by which the disability assistance or supplement was reduced.
- (5) If the determination of a reconsideration or appeal that rescinded the decision being reconsidered or appealed did not require a further decision of the minister as to amount, the amount of a supplement provided under this section is not repayable and must be considered to have been paid in place of
- (a) the discontinued disability assistance or supplement, or
 - (b) the amount by which the disability assistance or supplement was reduced.
- (6) If the determination of a reconsideration or appeal that rescinded the decision being reconsidered or appealed required a further decision of the minister as to amount, the recipient must repay the difference between
- (a) the total amount paid to the recipient under this section for the period under subsection (3), and

- (b) the total amount of any adjustment in favour of the recipient under the determination for the same period.

[en. B.C. Reg. 270/2019, App. 2, s. 10.]

Supplements for moving, transportation and living costs

55 (1) In this section:

“living cost” means the cost of accommodation and meals;

“moving cost” means the cost of

- (a) moving a family unit and the family unit’s personal effects from one place to another, and
- (b) storing the family unit’s personal effects while the family unit is moving if the minister is satisfied that storing the personal effects is necessary to preserve the personal effects;

“transportation cost” means the cost of travelling from one place to another.

- (2) Subject to subsections (3) and (4), the minister may provide a supplement to or for a family unit that is eligible for disability assistance or hardship assistance to assist with one or more of the following:

- (a) moving costs required to move anywhere in Canada, if a recipient in the family unit is not working but has arranged confirmed employment that would significantly promote the financial independence of the family unit and the recipient is required to move to begin that employment;
- (b) moving costs required to move to another province or country, if the family unit is required to move to improve its living circumstances;
- (c) moving costs required to move anywhere in British Columbia because the family unit is being compelled to vacate the family unit’s rented residential accommodation for any reason, including the following:
 - (i) the accommodation is being sold;
 - (ii) the accommodation is being demolished;
 - (iii) the accommodation has been condemned;
- (d) moving costs required to move anywhere in British Columbia if the family unit’s shelter costs would be significantly reduced as a result of the move;
- (e) moving costs required to move anywhere in British Columbia to avoid an imminent threat to the physical safety of any person in the family unit;
- (f) transportation costs and living costs required to attend a hearing relating to a child protection proceeding under the *Child, Family and Community Service Act*, if a recipient is given notice of the hearing and is a party to the proceeding;
- (g) transportation costs, living costs, child care costs and fees resulting from
 - (i) the required attendance of a recipient in the family unit at a hearing,
 - or

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

- (ii) other requirements a recipient in the family unit must fulfil in connection with the exercise of a maintenance right assigned to the minister under section 17 [*assignment of maintenance rights*].
- (3) A family unit is eligible for a supplement under this section only if
 - (a) there are no resources available to the family unit to cover the costs for which the supplement may be provided, and
 - (b) subject to subsection (3.1), a recipient in the family unit receives the minister's approval before incurring those costs.
- (3.1) A supplement may be provided even if the family unit did not receive the minister's approval before incurring the costs if the minister is satisfied that exceptional circumstances exist.
- (4) A supplement may be provided under this section only to assist with
 - (a) in the case of a supplement under subsection (2) (a) to (e), the least expensive appropriate moving costs, and
 - (b) in the case of a supplement under subsection (2) (f) or (g), the least expensive appropriate transportation costs and the least expensive appropriate living costs.

[am. B.C. Regs. 275/2004, s. 2; 122/2019, App. 2, s. 3.]

Supplement to pay a security deposit

- 56**
- (1) In this section, “**security deposit**” means a security deposit as defined in the *Residential Tenancy Act*, or an amount required by a cooperative association to be paid by a recipient to the cooperative association for the same or a similar purpose as a security deposit under the *Residential Tenancy Act*.
 - (2) The minister may provide a security deposit to or for a family unit that is eligible for disability assistance or hardship assistance if
 - (a) the security deposit is necessary to enable the family unit to rent residential accommodation,
 - (b) a recipient in the family unit agrees in writing to repay the amount paid under this section, and
 - (c) the security deposit does not exceed 50% of one month's rent for the residential accommodation.
 - (3) The minister may recover the amount of a security deposit provided under subsection (2) in accordance with section 74 (2.1).
 - (4) Repealed. [B.C. Reg. 270/2019, App. 2, s. 11 (d).]
 - (5) For the purposes of subsection (3), “**security deposit**” includes a security deposit provided on or after April 1, 2002 under the
 - (a) Disability Benefits Program Regulation, B.C. Reg. 79/97,
 - (b) Income Assistance Regulation, B.C. Reg. 75/97,

(c) Youth Works Regulation, B.C. Reg. 77/97, or

(d) Repealed. [B.C. Reg. 270/2019, App. 2, s. 11 (d).]

(6) Repealed. [B.C. Reg. 193/2017, s. 5.]

[am. B.C. Regs. 518/2004, s. 8; 315/2008, s. (b); 175/2016, App. 1, s. 8; 193/2017, s. 5; 270/2019, App. 2, s. 11.]

Supplement to pay a utility security deposit

56.1 (1) In this section, “**utility security deposit**” means an amount required by a utility provider of electricity or natural gas services to secure payment for the provision of residential electricity or natural gas services to a family unit.

(2) The minister may provide a utility security deposit to or for a family unit that is eligible for disability assistance or hardship assistance, in an amount not to exceed the minimum amount required by the utility provider from a recipient, if

(a) the utility security deposit is necessary to enable the family unit to obtain or continue to obtain the services of the utility, and

(b) a recipient in the family unit agrees in writing to repay the amount paid under this section.

(3) The minister may recover the amount of a utility security deposit provided under subsection (2) in accordance with section 74 (2.1).

(4) Repealed. [B.C. Reg. 193/2017, s. 6.]

[en. B.C. Reg. 317/2006; am. B.C. Regs. 175/2016, App. 1, s. 9; 193/2017, s. 6; 270/2019, App. 2, s. 12.]

Supplement to pay a pet damage deposit

56.2 (1) In this section, “**pet damage deposit**” means a pet damage deposit as defined in the *Residential Tenancy Act*, or an amount required by a cooperative association to be paid by a recipient to the cooperative association for the same or a similar purpose as a pet damage deposit under the *Residential Tenancy Act*.

(2) The minister may provide a pet damage deposit to or for a family unit that is eligible for disability assistance or hardship assistance if

(a) the pet damage deposit is necessary to enable the family unit to rent residential accommodation,

(b) a recipient in the family unit agrees in writing to repay the amount paid under this section, and

(c) the pet damage deposit does not exceed 50% of one month’s rent for the residential accommodation.

(3) The minister may recover the amount of a pet damage deposit provided under subsection (2) in accordance with section 74 (2.1).

[en. B.C. Reg. 270/2019, App. 2, s. 13.]

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

Crisis supplement

- 57** (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if
- (a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and
 - (b) the minister considers that failure to meet the expense or obtain the item will result in
 - (i) imminent danger to the physical health of any person in the family unit, or
 - (ii) removal of a child under the *Child, Family and Community Service Act*.
- (2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.
- (3) A crisis supplement may not be provided for the purpose of obtaining
- (a) a supplement described in Schedule C, or
 - (b) any other health care goods or services.
- (4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:
- (a) if for food, the maximum amount that may be provided in a calendar month is \$40 for each person in the family unit;
 - (b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of
 - (i) the family unit's actual shelter cost, and
 - (ii) the sum of
 - (A) the maximum set out in section 2 of Schedule A and the maximum set out in section 4 of Schedule A, or
 - (B) the maximum set out in Table 1 of Schedule D and the maximum set out in Table 2 of Schedule D,as applicable, for a family unit that matches the family unit;
 - (c) if for clothing, the amount that may be provided must not exceed the smaller of
 - (i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and
 - (ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.
- (5) and (6) Repealed. [B.C. Reg. 248/2018, App. 2, s. 2.]

- (7) Despite subsection (4) (b), a crisis supplement may be provided to or for a family unit for the following:

- (a) fuel for heating;
- (b) fuel for cooking meals;
- (c) water;
- (d) hydro.

[am. B.C. Regs. 13/2003; 248/2018, App. 2; 270/2019, App. 2, s. 14.]

Advance for lost or stolen family bonus cheque

- 58** (1) The minister may provide a supplement to or for a family unit that is eligible for disability assistance or hardship assistance as an advance for a lost or stolen family bonus cheque if

- (a) the minister is satisfied that an unendorsed child benefits cheque, the payee of which is a person in the family unit, has been lost or stolen,
- (b) the minister considers that the advance is immediately needed for basic needs of food, clothing or shelter,
- (c) the minister is satisfied that any steps necessary for replacing the cheque have been or will be taken, and
- (d) a recipient in the family unit does either or both of the following:
 - (i) agrees in writing to repay the advance;
 - (ii) authorizes deduction of the amount of the advance from subsequent payments of assistance.

- (2) The amount that may be advanced under subsection (1) is all or part of the amount of the lost or stolen child benefits cheque that is attributed to family bonus.

- (3) Repealed. [B.C. Reg. 48/2010, Sch. 1, s. 2 (c).]

[am. B.C. Reg. 48/2010, Sch. 1, s. 2 (c).]

Advance for lost or stolen child benefits cheque – Canada child benefit

- 58.1** (1) The minister may provide a supplement to or for a family unit that is eligible for disability assistance or hardship assistance as an advance for a lost or stolen child benefits cheque for the Canada child benefit in respect of a dependent child or dependent children, as the case may be, if

- (a) the minister is satisfied that an unendorsed child benefits cheque for the Canada child benefit, the payee of which is a person in the family unit, has been lost or stolen,
- (b) the minister considers that the advance is immediately needed for basic needs of food, clothing or shelter,
- (c) the minister is satisfied that any steps necessary for replacing the cheque have been or will be taken, and
- (d) a recipient in the family unit does either or both of the following:

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

- (i) agrees in writing to repay the advance;
 - (ii) authorizes deduction of the amount of the advance from subsequent payments of assistance.
 - (2) The amount that may be advanced under subsection (1) is the lesser of
 - (a) the amount of the lost or stolen child benefits cheque that is attributed to the Canada child benefit, and
 - (b) the BC child adjustment amount in respect of the dependent child or dependent children, as the case may be.
- [en. B.C. Reg. 34/2017, App. 2, s. 3.]

Supplement for delayed, suspended or cancelled family bonus

- 59** (1) In this section, “**maximum national child benefit supplement**”, in relation to a family unit, means the amount the family unit would receive for a calendar month as the national child benefit supplement if
- (a) the family unit were entitled to receive the national child benefit supplement for the calendar month, and
 - (b) the income of the family unit, for the purposes of calculating the national child benefit supplement, were zero.
- (2) The minister may provide a supplement to or for a family unit that is eligible for disability assistance or hardship assistance if
- (a) payment of the family bonus for a calendar month to a person in the family unit is delayed, suspended or cancelled under the *Income Tax Act* (Canada) or the *Income Tax Act* (British Columbia) for any reason other than that
 - (i) the person refuses to apply for the family bonus,
 - (ii) the person refuses to provide information necessary to determine eligibility for the family bonus, or
 - (iii) the person refuses to accept the family bonus, and
 - (b) the minister considers that the supplement is immediately needed for basic needs of food, clothing or shelter.
- (3) The amount that may be provided for a calendar month as a supplement under subsection (2) is equal to
- (a) the maximum national child benefit supplement, minus
 - (b) the family bonus, if any, received by the family unit for the preceding calendar month.

[en. B.C. Reg. 197/2012, Sch. 2, s. 7.]

Supplement for delayed, suspended or cancelled Canada child benefit

- 59.1** (1) The minister may provide a supplement to or for a family unit that is eligible for disability assistance or hardship assistance if

- (a) payment of the Canada child benefit for a calendar month to a person in the family unit in respect of a dependent child is delayed, suspended or cancelled under the *Income Tax Act* (Canada) for any reason other than that
 - (i) the person refuses to apply for the Canada child benefit,
 - (ii) the person refuses to provide information necessary to determine eligibility for the Canada child benefit, or
 - (iii) the person refuses to accept the Canada child benefit, and
 - (b) the minister considers that the supplement is immediately needed for basic needs of food, clothing or shelter.
- (2) The amount that may be provided for a calendar month as a supplement under subsection (1) is equal to
- (a) the BC child adjustment amount, minus
 - (b) the Canada child benefit, if any,
- received by the family unit in respect of the dependent child or dependent children, as the case may be, for the preceding calendar month.
- (3) If the amount calculated under subsection (2) is less than zero, it is deemed to be zero for the purposes of this section.

[en. B.C. Reg. 34/2017, App. 2, s. 3.]

Guide dog or service dog supplement

- 60** The minister may provide a supplement of \$95 for each calendar month to or for a family unit that is eligible for disability assistance or hardship assistance for the maintenance of a dog if the dog and a person in the family unit are a guide dog team, a service dog team or a retired guide or service dog team, as those terms are defined in section 1 of the *Guide Dog and Service Dog Act*.

[en. B.C. Reg. 223/2015, App. 3, s. 2.]

School start-up supplement

- 60.1** (1) The minister may provide an annual school start-up supplement to or for a family unit that is eligible for disability assistance or hardship assistance if the family unit includes a person under 19 years of age who is attending school full time.
- (2) The minister may specify
- (a) the amount to be provided as a school start-up supplement, which may be different for persons of different age groups, and
 - (b) the time when the supplement is to be provided.

[en. B.C. Reg. 196/2012, Sch. 2, s. 2; am. B.C. Reg. 161/2017, App. 2, s. 1.]

Supplement to obtain proof of identity

- 60.11** The minister may provide a supplement to or for a family unit that is eligible for disability assistance or for hardship assistance to cover the cost of obtaining proof of the identity of a person in the family unit that

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

- (a) is required for the family unit to be eligible for disability assistance, or
- (b) in the minister's opinion, is required for a person in the family unit, or the family unit, to access services in British Columbia or for a similar purpose in British Columbia.

[en. B.C. Reg. 122/2019, App. 2, s. 4.]

61 Repealed. [B.C. Reg. 21/2005, s. (b).]

Division 4 – Health Supplements**Definitions**

61.01 In this Division:

“continuation date”,

- (a) in relation to a person who is a main continued person under section 61.1 (1) [*access to medical services only*] as a result of having been part of a family unit on the date the family unit ceased to be eligible for disability assistance, means that date, and
- (b) in relation to a dependent continued person under section 61.1 (2) of a main continued person, means the continuation date of the main continued person;

“continued person” means

- (a) a main continued person under section 61.1 (1), or
- (b) a dependent continued person under section 61.1 (2);

“maintenance”, **“maintenance agreement”** and **“maintenance order”** have the same meanings as in section 16;

“nutrition-related supplement” means any of the following supplements:

- (a) a supplement under section 66 [*diet supplement*];
- (b) a supplement under section 67 [*nutritional supplement – monthly*], other than a supplement for vitamins and minerals;
- (c) a supplement under section 67.001 [*nutritional supplement – short-term*];
- (d) a supplement under section 67.01 [*tube feed nutritional supplement*];
- (e) a supplement under section 2 (3) of Schedule C that is related to nutrition;

“qualifying federal benefit” means a supplement under Part II or an allowance under Part III of the *Old Age Security Act* (Canada).

[en. B.C. Reg. 145/2015, Sch. 2, s. 4.]

Access to medical services only

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

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

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

- (ii) a person with disabilities on that date,
 - (b) the person has not, since that date, been part of a family unit in receipt of income assistance, hardship assistance or disability assistance, and
 - (c) in the case that the family unit referred to in paragraph (a) (i) was a family unit identified in subsection (3) (g), the agreement referred to in subsection (3) (g) is in force.
- (2) Subject to subsection (6), a person is a dependent continued person if
 - (a) the person was a dependant of a main continued person under subsection (1) on the main continued person's continuation date and is currently a dependant of the main continued person, or
 - (b) the person is a dependant of a person who is a main continued person under subsection (1) as a result of having been part of a family unit identified in subsection (3) (b), (c), (d), (e), (f) or (g).
- (3) A family unit is identified for the purposes of subsection (1) (a) if the family unit, while in receipt of disability assistance, ceases to be eligible for disability assistance
 - (a) on a date the family unit includes a person aged 65 or older,
 - (b) as a result of a person in the family unit receiving an award of compensation under the *Criminal Injury Compensation Act* or an award of benefits under the *Crime Victim Assistance Act*,
 - (c) as a result of a person in the family unit receiving a payment under the settlement agreement approved by the Supreme Court in Action No. S50808, Kelowna Registry,
 - (d) as a result of a person in the family unit receiving employment income,
 - (e) as a result of a person in the family unit receiving a pension or other payment under the *Canada Pension Plan* (Canada),
 - (f) as a result of a person in the family unit receiving money or value that is maintenance under a maintenance order or a maintenance agreement or other agreement, or
 - (g) as a result of a person in the family unit receiving financial assistance provided through an agreement under section 12.3 of the *Child, Family and Community Service Act*.
- (4) Subject to subsection (5), a person's status as a main continued person under subsection (1) is suspended for a calendar month if
 - (a) the person fails to meet an applicable income test under subsection (7) in the calendar month and in each of the immediately preceding 12 calendar months, and
 - (b) the person's continuation date is before those immediately preceding 12 calendar months.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

- (5) Subsection (4) does not apply to a person who is a main continued person under subsection (1) as a result of having been part of a family unit described in subsection (3) (c) or (g).
- (6) A person's status as a dependent continued person under subsection (2) of a main continued person under subsection (1) is suspended if the main continued person's status is suspended under subsection (4).
- (7) For the purposes of subsection (4),
 - (a) a person who is a main continued person under subsection (1) as a result of having been part of a family unit identified in subsection (3) (a), (b), (d) or (f) meets the income test for a calendar month if,
 - (i) in the case that the main continued person is aged 65 or older or the main continued person's family unit includes a person aged 65 or older, the main continued person or another person in the family unit is in receipt of a qualifying federal benefit, and
 - (ii) in the case that neither the main continued person nor another person in the main continued person's family unit is aged 65 or older, the adjusted net income of the main continued person does not exceed the amount set out in section 11 (3) of the Medical and Health Care Services Regulation, and
 - (b) a person who is a main continued person under subsection (1) as a result of having been part of a family unit identified in subsection (3) (e) meets the income test for a calendar month if,
 - (i) in the case that the main continued person is aged 65 or older or the main continued person's family unit includes a person aged 65 or older, the main continued person or another person in the family unit is in receipt of a qualifying federal benefit, and
 - (ii) in the case that neither the main continued person nor another person in the main continued person's family unit is aged 65 or older, the main continued person or another person in the family unit receives a pension or other payment under the *Canada Pension Plan* (Canada).
- (7.1) For the purposes of subsection (7) (a) (ii),
 - (a) **“adjusted net income”** has the same meaning as in section 7.6 of the Medical and Health Care Services Regulation, and
 - (b) a reference in section 7.6 of the Medical and Health Care Services Regulation to an “eligible person” is to be read as a reference to the main continued person.
- (8) Despite this Division, a person is not eligible, as a main continued person under subsection (1), to receive a health supplement under this Division for the calendar month in which the person's continuation date occurs.

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

[en. B.C. Reg. 145/2015, Sch. 2, s. 4; am. B.C. Reg. 180/2019, App. 5, s. 1.]

General health supplements

- 62** The minister may provide any health supplement set out in section 2 [*general health supplements*] or 3 [*medical equipment and devices*] of Schedule C to or for

- (a) a family unit in receipt of disability assistance,
- (b) a family unit in receipt of hardship assistance, if the health supplement is provided to or for a person in the family unit who is under 19 years of age, or
- (c) a family unit, if the health supplement is provided to or for a person in the family unit who is a continued person.

[en. B.C. Reg. 145/2015, Sch. 2, s. 4; am. B.C. Reg. 161/2017, App. 2, s. 2.]

Optical supplements

- 62.1** The minister may provide any health supplement set out in section 2.1 [*optical supplements*] of Schedule C to or for

- (a) a family unit in receipt of disability assistance,
- (b) a family unit in receipt of hardship assistance, or
- (c) a family unit, if the health supplement is provided to or for a person in the family unit who is a continued person.

[en. B.C. Reg. 145/2015, Sch. 2, s. 4.]

Eye examination supplements

- 62.2** (1) Subject to subsections (2) and (3), the minister may provide a health supplement under section 2.2 [*eye examination supplements*] of Schedule C to or for

- (a) a family unit in receipt of disability assistance,
- (b) a family unit in receipt of hardship assistance, or
- (c) a family unit, if the health supplement is provided to or for a person in the family unit who is a continued person.

- (2) A health supplement under subsection (1) may only be provided to or for a person once in any 24 calendar month period.

- (3) A health supplement under subsection (1) may only be provided if payment for the service is not available under the *Medicare Protection Act*.

[en. B.C. Reg. 145/2015, Sch. 2, s. 4.]

Dental supplements

- 63** The minister may provide any health supplement set out in section 4 [*dental supplements*] of Schedule C to or for

- (a) a family unit in receipt of disability assistance,

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

- (b) a family unit in receipt of hardship assistance, if the health supplement is provided to or for a person in the family unit who is under 19 years of age, or
- (c) a family unit, if the health supplement is provided to or for a person in the family unit who is a continued person.

[en. B.C. Reg. 145/2015, Sch. 2, s. 4; am. B.C. Reg. 161/2017, App. 2, s. 2.]

Crown and bridgework supplement

63.1 The minister may provide a crown and bridgework supplement under section 4.1 of Schedule C to or for

- (a) a family unit in receipt of disability assistance, if the supplement is provided to or for a person in the family unit who is a person with disabilities, or
- (b) a family unit, if the supplement is provided to or for a person in the family unit who
 - (i) is a continued person, and
 - (ii) was, on the person's continuation date, a person with disabilities.

[en. B.C. Reg. 145/2015, Sch. 2, s. 4.]

Denture supplement

63.2 (1) Subject to subsection (2), the minister may provide any health supplement set out in section 4.2 [*denture supplements*] of Schedule C to or for a family unit in receipt of hardship assistance.

- (2) A person is not eligible for a health supplement under subsection (1) unless
 - (a) the person is not eligible for a supplement under section 63 [*dental supplements*], and
 - (b) the person has had tooth extractions that were performed in the last 6 months because of pain and resulted in the person requiring a full upper denture, a full lower denture or both.

[en. B.C. Reg. 270/2019, App. 2, s. 15.]

Emergency dental and denture supplement

64 The minister may provide any health supplement set out in section 5 [*emergency dental supplements*] of Schedule C to or for

- (a) a family unit in receipt of disability assistance,
- (b) a family unit in receipt of hardship assistance, or
- (c) a family unit, if the health supplement is provided to or for a person in the family unit who is a continued person.

[en. B.C. Reg. 145/2015, Sch. 2, s. 4.]

Orthodontic supplement

65 (1) Subject to subsection (2), the minister may provide orthodontic supplements to or for

- (a) a family unit in receipt of disability assistance, if the orthodontic supplements are provided to or for a person in the family unit who
 - (i) under 19 years of age, or
 - (ii) a person with disabilities, or
 - (b) a family unit, if the orthodontic supplements are provided to or for a person in the family unit who
 - (i) is a continued person, and
 - (ii) meets any of the following criteria:
 - (A) the person is under 19 years of age;
 - (B) the person was, on the person's continuation date, a person with disabilities.
- (2) For a person referred to in subsection (1) to be eligible for orthodontic supplements, the person's family unit must have no resources available to cover the cost of the orthodontic supplements and the person must
- (a) have severe skeletal dysplasia with jaw misalignment by 2 or more standard deviations, and
 - (b) obtain prior authorization from the minister for the orthodontic supplements.
- (2.1) and (2.2) Repealed. [B.C. Reg. 145/2015, Sch. 2, s. 5 (b).]
- (3) Repealed. [B.C. Reg. 313/2007, s. 2 (e).]
[am. B.C. Regs. 313/2007, s. 2 (e); 170/2008, App. 2, s. 6; 67/2010, Sch. 2, s. 7; 114/2010, Sch. 2, s. 8; 27/2014, s. 6; 145/2015, Sch. 2, s. 5; 161/2017, App. 2, s. 2.]

Diet supplement

- 66** (1) Subject to subsection (2), the minister may pay for a diet supplement in accordance with section 6 [*diet supplements*] of Schedule C that is provided to or for a family unit in receipt of disability assistance or hardship assistance, if the supplement is provided to or for a person in the family unit who
- (a) is described in section 6 (1) of Schedule C, and
 - (b) is not described in section 8 (1) [*people receiving special care*] of Schedule A.
- (2) A person is not eligible to receive a supplement under subsection (1) unless
- (a) the person is not receiving another nutrition-related supplement, and
 - (b) a medical practitioner, nurse practitioner or dietitian confirms in writing the need for the special diet.
- [en. B.C. Reg. 145/2015, Sch. 2, s. 6; am. B.C. Regs. 123/2019, App. 2, s. 2; 270/2019, App. 2, s. 16.]

Nutritional supplement

- 67** (1) The minister may provide a nutritional supplement in accordance with section 7 [*monthly nutritional supplement*] of Schedule C to or for a family unit in receipt

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

of disability assistance, if the supplement is provided to or for a person in the family unit who

- (a) is a person with disabilities, and
- (b) is not described in section 8 (1) [*people receiving special care*] of Schedule A, unless the person is in an alcohol or drug treatment centre as described in section 8 (2) of Schedule A,

if the minister is satisfied that

- (c) based on the information contained in the form required under subsection (1.1), the requirements set out in subsection (1.1) (a) to (d) are met in respect of the person with disabilities,
- (d) the person is not receiving another nutrition-related supplement,
- (e) Repealed. [B.C. Reg. 145/2015, Sch. 2, s. 7 (c).]
- (f) the person complies with any requirement of the minister under subsection (2), and
- (g) the person's family unit does not have any resources available to pay the cost of or to obtain the items for which the supplement may be provided.

(1.1) In order for a person with disabilities to receive a nutritional supplement under this section, the minister must receive a request, in the form specified by the minister, completed by a medical practitioner, nurse practitioner or dietitian, in which the practitioner or dietitian has confirmed all of the following:

- (a) the person with disabilities to whom the request relates is being treated by a medical practitioner or nurse practitioner for a chronic, progressive deterioration of health on account of a severe medical condition;
- (b) as a direct result of the chronic, progressive deterioration of health, the person displays two or more of the following symptoms:
 - (i) malnutrition;
 - (ii) underweight status;
 - (iii) significant weight loss;
 - (iv) significant muscle mass loss;
 - (v) significant neurological degeneration;
 - (vi) significant deterioration of a vital organ;
 - (vii) moderate to severe immune suppression;
- (c) for the purpose of alleviating a symptom referred to in paragraph (b), the person requires one or more of the items set out in section 7 of Schedule C and specified in the request;
- (d) failure to obtain the items referred to in paragraph (c) will result in imminent danger to the person's life.

(2) In order to determine or confirm the need or continuing need of a person for whom a supplement is provided under subsection (1), the minister may at any

time require that the person obtain an opinion from a medical practitioner, nurse practitioner or dietitian other than the medical practitioner, nurse practitioner or dietitian who completed the form referred to in subsection (1.1).

(3) Repealed. [B.C. Reg. 145/2015, Sch. 2, s. 8.]

[am. B.C. Regs. 317/2008, s. 8; 68/2010, ss. 1 and 2; 145/2015, Sch. 2, ss. 7 and 8; 123/2019, App. 2, s. 3.]

Nutritional supplement – short-term

67.001 The minister may provide a nutritional supplement for up to 3 months to or for a family unit in receipt of disability assistance or hardship assistance, if

- (a) the supplement is provided to or for a person in the family unit who is not receiving another nutrition-related supplement, and
- (b) a medical practitioner, nurse practitioner or dietitian confirms in writing that the person has an acute short-term need for caloric supplementation to a regular dietary intake to prevent critical weight loss while recovering from
 - (i) surgery,
 - (ii) a severe injury,
 - (iii) a serious disease, or
 - (iv) side effects of medical treatment.

[en. B.C. Reg. 145/2015, Sch. 2, s. 9; am. B.C. Regs. 123/2019, App. 2, s. 4; 270/2019, App. 2, s. 16.]

Tube feed nutritional supplement

67.01 (1) In this section, “**tube feed nutritional supplement**” means a liquid nutritional product that is fed to a person via a tube to the stomach or intestines of the person and the pumps, tubes, bags and other medical equipment or supplies that are required to feed the nutritional product to the person.

(2) Subject to subsection (3), the minister may provide a tube feed nutritional supplement to or for

- (a) a family unit in receipt of disability assistance or hardship assistance, if the supplement is provided to or for a person in the family unit who is not described in section 8 (1) [*people receiving special care*] of Schedule A, or
- (b) a family unit, if the supplement is provided to or for a person in the family unit who
 - (i) is a continued person, and
 - (ii) was, on the person’s continuation date, receiving the supplement.

(3) The minister may provide a tube feed nutritional supplement under this section if

- (a) a medical practitioner, nurse practitioner or dietitian confirms in writing that the person’s primary source of nutrition is through tube feeding,
- (b) the person is not receiving another nutrition-related supplement, and

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 5 – Supplements

- (c) there are no resources available to the person to pay for the tube feed nutritional supplement.

[en. B.C. Reg. 339/2008; am. B.C. Regs. 67/2010, Sch. 2, s. 8; 27/2014, s. 6; 145/2015, Sch. 2, s. 10; 123/2019, App. 2, s. 5; 270/2019, App. 2, s. 16.]

Infant formula supplement

67.1 The minister may provide the type of health supplement referred to in section 9 [*infant formula*] of Schedule C, in accordance with that section, to or for

- (a) a family unit in receipt of disability assistance, if the health supplement is provided to or for a dependent child in the family unit,
- (b) a family unit in receipt of hardship assistance, if the health supplement is provided to or for a dependent child in the family unit, or
- (c) a family unit, if the health supplement is provided to or for a dependent child in the family who is a continued person.

[en. B.C. Reg. 145/2015, Sch. 2, s. 11.]

Natal supplement

68 (1) Subject to subsection (2), the minister may provide a natal supplement in accordance with section 8 [*natal supplement*] of Schedule C to or for a family unit in receipt of disability assistance or hardship assistance, if the supplement is provided to or for a person in the family unit who is not described in section 8 (1) [*people receiving special care*] of Schedule A.

- (2) A family unit is not eligible to receive a supplement under subsection (1) unless
 - (a) a person in the family unit is pregnant, as confirmed in writing by a medical practitioner, a nurse practitioner or a midwife, or
 - (b) the family unit includes a dependent child under 7 months of age.

[en. B.C. Reg. 145/2015, Sch. 2, s. 11; am. B.C. Regs. 270/2019, App. 2, s. 16; 206/2020, s. 6.]

Health supplement for persons facing direct and imminent life threatening health need

69 (1) The minister may provide to a family unit any health supplement set out in sections 2 (1) (a) and (f) [*general health supplements*] and 3 [*medical equipment and devices*] of Schedule C, if the health supplement is provided to or for a person in the family unit who is otherwise not eligible for the health supplement under this regulation, and if the minister is satisfied that

- (a) the person faces a direct and imminent life threatening need and there are no resources available to the person's family unit with which to meet that need,
- (b) the health supplement is necessary to meet that need,
- (c) the adjusted net income of any person in the family unit, other than a dependent child, does not exceed the amount set out in section 11 (3) of the Medical and Health Care Services Regulation, and

(d) the requirements specified in the following provisions of Schedule C, as applicable, are met:

- (i) paragraph (a) or (f) of section (2) (1);
- (ii) sections 3 to 3.12, other than paragraph (a) of section 3 (1).

(2) For the purposes of subsection (1) (c),

- (a) “**adjusted net income**” has the same meaning as in section 7.6 of the Medical and Health Care Services Regulation, and
- (b) a reference in section 7.6 of the Medical and Health Care Services Regulation to an “eligible person” is to be read as a reference to a person in the family unit, other than a dependent child.

[en. B.C. Reg. 61/2010, s. 4; am. B.C. Regs. 197/2012, Sch. 2, s. 8; 145/2015, Sch. 2, s. 12; 180/2019, App. 5, s. 2.]

Supplement for alcohol or drug treatment

- 70** (1) The minister may provide a supplement for the cost of treatment, counselling or related services for an alcohol or drug problem that is provided to a person in a family unit who is a recipient of disability assistance or hardship assistance or a dependent child of a recipient of disability assistance or hardship assistance, if
- (a) the minister considers that the recipient or dependent child needs the treatment, counselling or related services and there are no resources available to the family unit to cover the costs, and
 - (b) the recipient or dependent child receives the minister’s approval before incurring those costs.
- (2) The amount of the supplement under this section is limited to a total of not more than \$500 for all treatment, counselling and related services provided to any one person over the previous 12 consecutive calendar months.

[am. B.C. Reg. 270/2019, App. 2, s. 17.]

70.01 Repealed. [B.C. Reg. 145/2015, Sch. 2, s. 13.]

Alternative hearing assistance supplement

70.02 The minister may provide a health supplement set out in section 11 of Schedule C to or for

- (a) a family unit in receipt of disability assistance,
- (b) a family unit in receipt of hardship assistance, if the health supplement is provided to or for a person in the family unit who is under 19 years of age, or
- (c) a family unit, if the health supplement is provided to or for a person in the family unit who is a continued person.

[en. B.C. Reg. 118/2017, App. 2, s. 1; am. B.C. Reg. 161/2017, App. 2, s. 2.]

Division 5 – Supplements – Eligibility for Employment-related Programs**Business plan**

- 70.1** (1) The minister may require a recipient who is
- (a) applying to participate in a self-employment program, or
 - (b) participating in a self-employment program
- to provide, for the acceptance of the minister and within the time specified by the minister, a business plan for the small business the recipient is operating or proposes to operate under the self-employment program.
- (2) If a recipient provides a business plan under subsection (1) that is not acceptable to the minister, the minister may return the business plan to the recipient with directions and the recipient may resubmit the business plan within the time specified by the minister for that purpose.
- (3) If
- (a) a recipient fails to provide a business plan in the time specified under subsection (1) or (2), as applicable, or
 - (b) a recipient provides a business plan that is not acceptable to the minister, the recipient is not or ceases to be eligible to participate in the self-employment program.
- [en. B.C. Reg. 462/2003, Sch. B, s. 2.]

Monthly report

- 70.2** If a recipient who is participating in a self-employment program is operating a small business under the program, the recipient must, in addition to any report required under section 29, provide a monthly report to the minister in the form and at the time specified by the minister, setting out, for the period covered by the report, as required by the form, the business activities, earnings, expenses, assets and liabilities of the small business the recipient is operating.
- [en. B.C. Reg. 462/2003, Sch. B, s. 2.]

Division 6 – Consequences in Relation to Outstanding Arrest Warrants**Supplement to prevent undue hardship while dealing with outstanding arrest warrant**

- 70.3** (1) The minister may provide a supplement to or for a family unit of an applicant or recipient for whom a warrant for arrest within the meaning of section 14.2 *[consequences in relation to outstanding arrest warrants]* of the Act has been issued for the purposes of section 14.2 (2) (a) of the Act, if the minister considers that undue hardship will otherwise occur.
- (2) A supplement under this section may be provided only for the calendar month in which the supplement is requested.

- (3) A supplement under this section may be provided for only 3 consecutive calendar months unless the minister authorizes up to 3 more monthly payments.
- (4) Despite any other section of this regulation, the maximum amount of a supplement provided under subsection (1) is the difference between
 - (a) the maximum amount of income assistance determined under Schedule A for the calendar month for a family unit that matches the family unit in size but does not include a person for whom a warrant for arrest within the meaning of section 14.2 of the Act has been issued, and
 - (b) the amount of income assistance provided for the calendar month to the family unit.
- (5) A recipient of a supplement must agree in writing to repay the amount paid under this section.

[en. B.C. Reg. 73/2010, s. 9.]

Warrants transportation supplement

- 70.4** (1) In this section, “**living cost**” means the cost of accommodation and meals required for a person or family unit to return to the jurisdiction that issued the warrant.
- (2) The minister may provide a supplement to
- (a) an applicant or recipient for whom a warrant for arrest within the meaning of section 14.2 [*consequences in relation to outstanding arrest warrants*] of the Act has been issued, for the purposes of section 14.2 (2) (b) (i) of the Act, or
 - (b) the family unit of an applicant or recipient for whom a warrant of arrest within the meaning of section 14.2 of the Act has been issued for the purposes of section 14.2 (2) (b) (ii) of the Act,
- if
- (c) there are no resources available to the family unit to cover the cost of returning to the jurisdiction that issued the warrant, and
 - (d) the minister is satisfied that the supplement will be used by the person or family unit to return to the jurisdiction that issued the warrant to deal with the warrant.
- (3) Despite any other section of this regulation, a supplement provided under subsection (2) is limited to an amount not to exceed the cost of
- (a) the least expensive appropriate mode of transportation, and
 - (b) the least expensive appropriate living cost
- to return the person or family unit to the jurisdiction that issued the warrant.
- (4) A recipient of a supplement must agree in writing to repay the amount paid under this section.

[en. B.C. Reg. 73/2010, s. 9.]

PART 6 – RECONSIDERATIONS AND APPEALS**How a request to reconsider a decision is made**

- 71** (1) A person who wishes the minister to reconsider a decision referred to in section 16 (1) [*reconsideration and appeal rights*] of the Act must deliver a request for reconsideration in the form specified by the minister to the ministry office where the person is applying for or receiving assistance.
- (2) A request under subsection (1) must be delivered within 20 business days after the date the person is notified of the decision referred to in section 16 (1) of the Act and may be delivered by
- (a) leaving it with an employee in the ministry office, or
 - (b) being received through the mail at that office.

Time limit for reconsidering decision

- 72** The minister must reconsider a decision referred to in section 16 (1) of the Act, and mail a written determination on the reconsideration to the person who delivered the request under section 71 (1) [*how a request to reconsider a decision is made*],
- (a) within 10 business days after receiving the request, or
 - (b) if the minister considers it necessary in the circumstances and the person consents, within 20 business days after receiving the request.
- [en. B.C. Reg. 76/2008.]

Decisions that may not be appealed

- 73** (1) The following categories of supplements may not be appealed to the tribunal:
- (a) Repealed. [B.C. Reg. 313/2007, s. 2 (f).]
 - (b) reconsideration and appeal supplements under section 54.7;
 - (c) supplements related to employment plans under section 54;
 - (d) access to a program established or funded under the Act;
 - (e) confirmed job supplements under section 54.1;
 - (f) supplements under section 70.3;
 - (g) supplements under section 70.4.
- (2) A decision to refuse to provide disability assistance, hardship assistance or a supplement is not appealable to the tribunal if the person who would bring the appeal is awaiting a reconsideration of the minister or the decision of a panel on an earlier request for reconsideration the person made, or an appeal the person brought, respecting the same matter.

[am. B.C. Regs. 312/2002, s. 2; 313/2007, s. 2 (f); 73/2010, s. 10; 270/2019, App. 2, s. 18; 35/2020, App. 2, s. 5.]

PART 7 – GENERAL AND TRANSITIONAL PROVISIONS**Exemptions from deductions for debts owed**

74 (1) In this section and sections 74.1 and 74.2:

“**Act offence**” means an offence under the Act or the *Employment and Assistance Act*;

“**benefit month**”, in relation to a family unit, means a calendar month for which the family unit is eligible for an amount of assistance under the Act or the *Employment and Assistance Act*, and, for certainty, consecutive benefit months need not be consecutive calendar months;

“**criminal code offence**” means an offence under the *Criminal Code* in relation to obtaining money, under the Act or the *Employment and Assistance Act*, by fraud or false or misleading representation;

“**deposit debt**” means a supplement provided to or for a family unit on a repayable basis under

(a) section 56 (2) [supplement to pay a security deposit], 56.1 (2) [supplement to pay a utility security deposit] or 56.2 (2) [supplement to pay a pet damage deposit], or

(b) section 58 (2) [supplement to pay a security deposit], 58.1 (2) [supplement to pay a utility security deposit] or 58.2 (2) [supplement to pay a pet damage deposit] of the Employment and Assistance Regulation;

“**offence overpayment**” means an overpayment that is or was provided to or for a family unit as a result of a criminal code offence or Act offence for which a recipient in the family unit has been or is convicted, whether the conviction occurred before or after the date this section came into force;

“**overpayment**” means

(a) an overpayment described in section 18 (1) [overpayments] of the Act or section 27 (1) [overpayments] of the *Employment and Assistance Act*,

(b) an amount of assistance provided under the Act to or for a family unit on a repayable basis, other than a supplement under section 56 (2) [supplement to pay a security deposit], 56.1 (2) [supplement to pay a utility security deposit] or 56.2 (2) [supplement to pay a pet damage deposit] of this regulation,

(c) an amount of assistance provided under the *Employment and Assistance Act* to or for a family unit on a repayable basis, other than a supplement under section 58 (2) [supplement to pay a security deposit], 58.1 (2) [supplement to pay a utility security deposit] or 58.2 (2) [supplement to pay a pet damage deposit] of the Employment and Assistance Regulation, or

(d) a debt referred to in section 33 [indebtedness under former Act] of the Act or section 42 [indebtedness under former Act] of the *Employment and Assistance Act*.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 7 – General and Transitional Provisions

- (2) Subject to sections 74.1 and 74.2, for a family unit that includes one or more recipients who are liable for one or more overpayments, the amount that is to be deducted for the purposes of section 19 (1) (b) [*liability for and recovery of debts under Act*] of the Act is \$10 each benefit month, regardless of the number of overpayments.
- (2.1) Subject to sections 74.1 and 74.2, for a family unit that includes one or more recipients who are liable for one or more deposit debts, the amount that is to be deducted for the purposes of section 19 (1) (b) of the Act is \$20 each benefit month, regardless of the number of deposit debts.
- (3) Subject to sections 74.1 and 74.2, for a family unit that includes one or more recipients who are liable for one or more offence overpayments, the amount that is to be deducted for the purposes of section 19 (1) (b) of the Act for a benefit month is
 - (a) \$100 for each recipient in the family unit whose conviction for a criminal code offence or Act offence resulted in an offence overpayment, or
 - (b) if the balance of the amounts of offence overpayments in relation to a recipient in the family unit is less than \$100, that balance in relation to that recipient.
- (4) A deduction under subsection (3) in relation to an offence overpayment provided to or for a family unit as a result of a criminal code offence
 - (a) begins for the first benefit month following the date the recipient is convicted of the criminal code offence, and
 - (b) continues for each consecutive benefit month until the amount of the offence overpayment is recovered.
- (5) A deduction under subsection (3) in relation to an offence overpayment provided to or for a family unit as a result of an Act offence
 - (a) begins for the first benefit month following the date the recipient is convicted of the Act offence, and
 - (b) continues, unless the amount of the offence overpayment is earlier recovered,
 - (i) after a first conviction of the recipient for an Act offence, until the deduction has been made for 12 consecutive benefit months in relation to the first offence overpayment,
 - (ii) after a second conviction of that recipient for an Act offence, until the deduction has been made for 24 consecutive benefit months in relation to the second offence overpayment, and
 - (iii) after a third or subsequent conviction of that recipient for an Act offence, until the amount of the third or subsequent offence overpayment is recovered.

- (6) Despite subsections (1) to (5), if the amount of assistance for which a family unit is eligible for a benefit month is less than
- (a) the applicable amount in respect of the family unit's supplement under section 54.2 [*persons with disabilities transportation supplement*], plus
 - (b) the minimum amount to be deducted under this section,
- the minimum amount that is to be deducted for the purposes of section 19 (1) (b) of the Act for the benefit month is an amount that is equal to
- (c) the amount of assistance for which the family unit is eligible for the benefit month, minus
 - (d) the applicable amount in respect of the family unit's supplement under section 54.2 [*persons with disabilities transportation supplement*].
- (7) Despite subsections (4) (a) and (5) (a), if the conviction referred to in those subsections occurred before the date this section came into force, a deduction under subsection (4) or (5) begins for the first benefit month following the date this section came into force.

[en. B.C. Reg. 149/2015, Sch. s. 8; am. B.C. Regs. 175/2016, App. 1, s. 10; 193/2017, s. 7; 270/2019, App. 2, s. 19.]

Exemptions from deductions for debts owed

74.1 (1) Repealed. [B.C. Reg. 270/2019, App. 2, s. 20 (a).]

- (2) Section 74 (2) does not apply to a family unit for a benefit month if
- (a) the family unit receives disability assistance under section 8 (1) or (2) [*people receiving special care*] of Schedule A for the benefit month, or
 - (b) section 74 (2.1) or (3) applies to the family unit for that benefit month.
- (2.1) Section 74 (2.1) does not apply to a family unit for a benefit month if
- (a) the family unit receives disability assistance under section 8 (1) or (2) of Schedule A for the benefit month, or
 - (b) section 74 (3) applies to the family unit for that benefit month.
- (3) Section 74 (3) does not apply to a family unit for a benefit month if
- (a) the family unit receives disability assistance under section 8 (1) or (2) of Schedule A for the benefit month,
 - (b) the minister is satisfied that the family unit is homeless or at risk of becoming homeless,
 - (c) the minister is satisfied that a deduction under that section would result in danger to the health of a person in the family unit, or
 - (d) a recipient in the family unit is liable for an offence overpayment but the person convicted of the criminal code offence or Act offence that resulted in the offence overpayment is not a member of the family unit for the benefit month.

[en. B.C. Reg. 149/2015, Sch. s. 8; am. B.C. Reg. 270/2019, App. 2, s. 20.]

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONPart 7 – General and Transitional Provisions

Recovery of more than one type of debt

- 74.2** (1) Subsection (2) applies if the minister is entitled to recover more than one of the following types of debt in respect of a family unit or a recipient in a family unit:
- (a) overpayments under section 74 (2);
 - (b) deposit debts under section 74 (2.1);
 - (c) offence overpayments under section 74 (3).
- (2) The minister may recover the debts referred to in subsection (1) from the family unit or recipient in the family unit, as applicable, by
- (a) making a deduction respecting only one of the types of debt per benefit month, and
 - (b) making the deduction in accordance with the following:
 - (i) if the minister is entitled to recover debt as set out in subsection (1) (a), (b) and (c), subsection (1) (a) and (c) or subsection (1) (b) and (c), by deducting the amount set out in section 74 (3) until the total debt the minister is entitled to recover under section 74 (3) is fully recovered;
 - (ii) if the minister is entitled to recover debt as set out in subsection (1) (a) and (b), by deducting the amount set out in section 74 (2.1) until the total debt the minister is entitled to recover under section 74 (2.1) is fully recovered.

[en. B.C. Reg. 270/2019, App. 2, s. 21.]

Prescribed enactments for purposes of sections 19 (1) (b) and 20 (2) [no garnishment, attachment, execution or seizure] of the Act

75 The following Acts are prescribed:

- (a) for the purposes of section 19 (1) (b) of the Act, the *Employment and Assistance Act*;
- (b) for the purposes of section 20 (2) of the Act, the *Employment and Assistance Act*.

How assistance is provided

75.1 The minister may provide

- (a) disability assistance or hardship assistance to or for a recipient by cheque or electronic funds transfer or in vouchers or in kind, and
- (b) a supplement to or for a recipient by cheque or electronic funds transfer or in vouchers or in kind.

[en. B.C. Reg. 8/2008; am. B.C. Reg. 175/2016, App. 1, s. 11.]

76 Repealed. [B.C. Reg. 8/2006, s. (b).]

Replacement of lost or stolen assistance cheque

- 77** If satisfied that an unendorsed assistance cheque has been lost or stolen, the minister may issue a replacement as long as,
- (a) in the case of theft, the matter has been reported to police, and
 - (b) in the case of loss or theft, the recipient
 - (i) makes a declaration of the facts, and
 - (ii) undertakes to promptly deliver the lost or stolen cheque to the minister if it is recovered.

Transition in respect of the change to asset limits

- 78** Despite any repeal and replacement of section 6 (1) (b) and (2) (b) of the Disability Benefits Program Regulation, B.C. Reg. 79/97, section 6 (1) (b) and (2) (b) of the Disability Benefits Program Regulation as it read on March 31, 2002, applies to the family unit of a recipient until the date the person's eligibility is next audited under section 30 *[requirement for eligibility audit]*.

Transition in respect of repealed provisions

- 79** (1) In this section, “**repealed provision**” means section 18, 19 or 20 (2) (a) or (g) of the Disability Benefits Program Regulation, B.C. Reg. 79/97, in force on March 31, 2002.
- (2) The minister must not provide assistance authorized under a repealed provision except an amount awarded on an appeal in respect of a calendar month prior to April, 2002.

[am. B.C. Reg. 270/2019, App. 2, s. 22.]

Transitional benefit to attend mental health activity centre

- 80** The minister may continue to provide a family unit with an amount that, immediately before this section comes into force, the family unit was receiving as a travel allowance under section 75 (1) of the Income Assistance Regulation, B.C. Reg. 75/97, to enable a person in the family unit to attend a mental health activity centre.

- 81** Repealed. [B.C. Reg. 193/2017, s. 8.]

SCHEDULE A

[am. B.C. Regs. 286/2003, s. 2 (b); 521/2004, s. 3; 164/2005; 306/2005, s. 6; 58/2007, s. 1; 70/2007, s. 2; 88/2008, App. 2, s. 2; 316/2008, s. (b); 62/2010 s. (b); 73/2010 s. 11; 197/2012, Sch. 2, ss. 9 and 10; 175/2016, App. 1, ss. 13 to 16; 95/2017, ss. 1 to 3; 34/2017, App. 2, s. 4; 153/2017, App. 2, s. 1; 193/2017, ss. 9 to 12; 151/2018, App. 2, s. 10; 32/2019, App. 2, s. 1; 122/2019, App. 2, s. 5; 270/2019, App. 2, s. 23; 35/2020, App. 2, s. 6; 108/2021, App. 2, s. 3; 233/2021, App. 4, ss. 1 to 3.]

DISABILITY ASSISTANCE RATES

(section 24 (a))

Maximum amount of disability assistance before deduction of net income

- 1** (1) Subject to this section and sections 3 and 6 to 9 of this Schedule, the amount of disability assistance referred to in section 24 (a) [*amount of disability assistance*] of this regulation is the sum of
- (a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus
 - (b) the shelter allowance calculated under sections 4 and 5 of this Schedule.
- (2) Despite subsection (1), disability assistance may not be provided in respect of a dependent child if support for that child is provided under section 8 (2) or 93 (1) (g) (ii) of the *Child, Family and Community Service Act*.

Monthly support allowance

- 2** (0.1) For the purposes of this section:
- “**deemed dependent children**”, in relation to a family unit, means the persons in the family unit who are deemed to be dependent children under subsection (5);
- “**warrant**” has the meaning of warrant in section 14.2 [*consequences in relation to outstanding arrest warrants*] of the Act.
- (1) A monthly support allowance for the purpose of section 1 (a) is the sum of
- (a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2, plus
 - (a.1) Repealed. [B.C. Reg. 193/2017, s. 9 (a).]
 - (b) the amount calculated in accordance with subsections (2) to (4) for each dependent child in the family unit.

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount (\$)
1	Sole applicant / recipient and no dependent children	Applicant / recipient is a person with disabilities	\$983.50

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule A

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount (\$)
2	Sole applicant / recipient and one or more dependent children	Applicant / recipient is a person with disabilities	\$1 133.50
3	Two applicants / recipients and no dependent children	One applicant / recipient is a person with disabilities, the other is not a person with disabilities and is under 65 years of age	\$1 378.50
4	Two applicants / recipients and no dependent children	Both applicants / recipients are persons with disabilities	\$1 853.50
5	Two applicants / recipients and no dependent children	One applicant / recipient is a person with disabilities, the other is not a person with disabilities and is 65 or more years of age	\$1 628.50
6	Two applicants / recipients and one or more dependent children	One applicant / recipient is a person with disabilities, the other is not a person with disabilities and is under 65 years of age	\$1 478.50
7	Two applicants / recipients and one or more dependent children	Both applicants / recipients are persons with disabilities	\$1 953.50
8	Two applicants / recipients and one or more dependent children	One applicant / recipient is a person with disabilities, the other is not a person with disabilities and is 65 or more years of age	\$1 728.50
9	Sole applicant / recipient and one or more dependent children	Applicant / recipient is a person with disabilities and a warrant has been issued for the applicant / recipient	\$1 033.50
10	Two applicants / recipients and no dependent children	One applicant / recipient is a person with disabilities, and the other is under 65 years of age, and a warrant has been issued for one	\$1 033.50

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule A

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount (\$)
11	Two applicants / recipients and no dependent children	One applicant / recipient is a person with disabilities, and the other is 65 or more years of age and a warrant has been issued for that applicant / recipient	\$1 033.50
12	Two applicants / recipients and no dependent children	One applicant / recipient is a person with disabilities and a warrant has been issued for that applicant / recipient, and the other is 65 or more years of age	\$1 033.50
13	Two applicants / recipients and no dependent children	Both applicants / recipients are persons with disabilities and a warrant has been issued for one	\$1 260.50
14	Two applicants / recipients and one or more dependent children	One applicant / recipient is a person with disabilities, and the other is under 65 years of age and a warrant has been issued for that applicant / recipient	\$1 378.50
15	Two applicants / recipients and one or more dependent children	One applicant / recipient is a person with disabilities and a warrant has been issued for that applicant / recipient, and the other is under 65 years of age	\$1 378.50
16	Two applicants / recipients and one or more dependent children	One applicant / recipient is a person with disabilities and the other is under 65 years of age, and a warrant has been issued for both	\$1 328.50
17	Two applicants / recipients and one or more dependent children	One applicant / recipient is a person with disabilities, and the other is 65 or more years of age and a warrant has been issued for that applicant / recipient	\$1 628.50
18	Two applicants / recipients and one or more dependent children	One applicant / recipient is a person with disabilities and a warrant has been issued for that applicant / recipient, and the other is 65 or more years of age	\$1 628.50

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule A

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount (\$)
19	Two applicants / recipients and one or more dependent children	One applicant / recipient is a person with disabilities and the other is 65 or more years of age, and a warrant has been issued for both	\$1 578.50
20	Two applicants / recipients and one or more dependent children	Both applicants / recipients are persons with disabilities and a warrant has been issued for one	\$1 853.50
21	Two applicants / recipients and one or more dependent children	Both applicants / recipients are persons with disabilities and a warrant has been issued for both	\$1 803.50

- (2) If the family unit includes one or more dependent children or deemed dependent children, the support allowance under subsection (1) for a calendar month is increased by an amount equal to
- (a) the total BC child adjustment amount for all dependent children and all deemed dependent children in the family unit, minus
 - (b) the sum of
 - (i) the family bonus, if any, paid to the family unit for the preceding month,
 - (ii) the Canada child benefit, if any, paid to the family unit for the preceding month in respect of dependent children in the family unit, up to a maximum of the BC child adjustment amount in respect of those dependent children, and
 - (iii) the total amount of the supplements, if any, provided to or for the family unit under section 59 [*supplement for delayed, suspended or cancelled family bonus*] or 59.1 [*supplement for delayed, suspended or cancelled Canada child benefit*] of this regulation for the current calendar month.
- (2.1) If the amount calculated under subsection (2) is less than zero, it is deemed to be zero for the purposes of this section.
- (3) In calculating the adjustment under subsection (2), an amount that, under the *Income Tax Act* (British Columbia) or the *Income Tax Act* (Canada), is deducted or set off from the family bonus or the Canada child benefit must be treated as if it were paid to a person in the family unit.
- (4) The support allowance under subsection (1) for a calendar month is not increased under subsection (2) if a person in the family unit refuses to

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule A

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

(b) accept the family bonus or the Canada child benefit for the preceding calendar month

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

(5) If a family unit includes a person who

(a) immediately before reaching 19 years of age was a dependent child in the family unit, and

(b) reached that age while attending secondary school,

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

(c) the end of the school year in which the person reached the age of 19 years, and

(d) the date the person stops attending secondary school.

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

Prorating of support allowance

3 In the calendar month that contains the disability assistance application date, the monthly support allowance is prorated based on the number of days remaining in that calendar month, beginning with the date of that submission.

Monthly shelter allowance

4 (1) For the purposes of this section:

“**family unit**” includes a child who is not a dependent child and who relies on the parent for the necessities of life and resides in the parent’s place of residence for not less than 40% of each month;

“**warrant**” has the meaning of warrant in section 14.2 [*consequences in relation to outstanding arrest warrants*] of the Act.

(2) The monthly shelter allowance for a family unit to which section 14.2 of the Act does not apply is the smaller of

(a) the family unit’s actual shelter costs, and

(b) the maximum set out in the following table for the applicable family size:

Item	Column 1 Family Unit Size	Column 2 Maximum Monthly Shelter
1	1 person	\$375
2	2 persons	\$570

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule A

Item	Column 1 Family Unit Size	Column 2 Maximum Monthly Shelter
3	3 persons	\$665
4	4 persons	\$715
5	5 persons	\$765
6	6 persons	\$815
7	7 persons	\$865
8	8 persons	\$915
9	9 persons	\$965
10	10 persons	\$1 015

(2.1) The monthly shelter allowance for a family unit to which section 14.2 of the Act applies is the smaller of

- (a) the family unit's actual shelter costs, and
- (b) the maximum set out in the following table for the applicable family unit composition:

Item	Column 1 Family Unit Composition	Column 2 Maximum Monthly Shelter
1	Two applicants/recipients and no dependent children and a warrant has been issued for one	\$375
2	Family with dependent children, family unit size = 2 persons	\$570
3	Family with dependent children, family unit size = 3 persons	\$665
4	Family with dependent children, family unit size = 4 persons	\$715
5	Family with dependent children, family unit size = 5 persons	\$765
6	Family with dependent children, family unit size = 6 persons	\$815
7	Family with dependent children, family unit size = 7 persons	\$865
8	Family with dependent children, family unit size = 8 persons	\$915
9	Family with dependent children, family unit size = 9 persons	\$965
10	Family with dependent children, family unit size = 10 persons	\$1 015

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule A

- (3) For a family unit of more than 10 persons, the maximum monthly shelter allowance is calculated by adding an extra \$50 for each person by which the family unit size exceeds 10.
- (4) Repealed. [B.C. Reg. 62/2010, s. (b).]
- (5) Despite subsection (2) (a) or (2.1) (a), if the actual shelter costs of a recipient increase as a result of the recipient remortgaging the recipient's place of residence, the amount of the mortgage payments is deemed, for the term of the new mortgage, to equal the amount before the remortgaging unless
 - (a) the remortgaging was necessary because of the expiry of the mortgage term, and
 - (b) the amount borrowed under the mortgage is not increased.
- (6) Repealed. [B.C. Reg. 270/2019, App. 2, s. 23 (b).]

How actual shelter costs are calculated

- 5** (1) For the purpose of this section, utility costs for a family unit's place of residence include only the following costs:
 - (a) fuel for heating;
 - (b) fuel for cooking meals;
 - (c) water;
 - (d) hydro;
 - (e) garbage disposal provided by a company on a regular weekly or biweekly basis;
 - (f) rental of one basic residential single-line telephone.
- (2) When calculating the actual monthly shelter costs of a family unit, only the following items are included:
 - (a) rent for the family unit's place of residence;
 - (b) mortgage payments on the family unit's place of residence, if owned by a person in the family unit;
 - (c) a house insurance premium for the family unit's place of residence if owned by a person in the family unit;
 - (d) property taxes for the family unit's place of residence if owned by a person in the family unit;
 - (e) utility costs;
 - (f) the actual cost of maintenance and repairs for the family unit's place of residence if owned by a person in the family unit and if these costs have received the minister's prior approval.
- (3) If utility costs fluctuate, they may be averaged over the periods
 - (a) beginning on October 1 and ending on March 31, and
 - (b) beginning on April 1 and ending on September 30.

- (4) If 2 or more family units share the same place of residence, the actual shelter costs of any one of them are the smaller of
- (a) the amount calculated by
 - (i) dividing the actual shelter costs for all the family units by the number of persons occupying that place of residence, and
 - (ii) multiplying the result by the number of persons in that one family unit, and
 - (b) the amount declared by the family unit as the shelter costs for that family unit.

People receiving room and board

- 6** (1) For a family unit receiving room and board other than in a facility mentioned in section 8 or 9 of this Schedule, the amount referred to in section 24 (a) [*amount of disability assistance*] of this regulation is the smaller of
- (a) the sum of
 - (i) the actual cost of the room and board, plus
 - (ii) \$60 for each calendar month for each applicant or recipient, plus
 - (iii) \$127 for each calendar month for each applicant or recipient who is a person with disabilities, plus
 - (iv) Repealed. [B.C. Reg. 193/2017, s. 11 (b).]
 - (v) \$40 for each calendar month for each dependent child in the family unit, and
 - (b) the amount calculated under sections 1 to 5 of this Schedule for a family unit matching the applicant's or recipient's family unit.
- (2) Repealed. [B.C. Reg. 122/2019, App. 2, s. 5 (b).]

People over 65 years of age

- 7** (1) For a family unit that includes at least one dependant and a person with disabilities who has reached 65 years of age and receives federal old age security payments, the amount referred to in section 24 (a) [*amount of disability assistance*] of this regulation is the sum of
- (a) the support allowance that is applicable under sections 2 and 3 of this Schedule for a family unit matching the applicant's or recipient's family unit, plus
 - (b) the maximum shelter allowance that is applicable under section 4 of this Schedule for a family unit matching the applicant's or recipient's family unit.
- (2) Subsection (1) applies regardless of the family unit's actual shelter costs or whether the family unit is sharing residential accommodation or receiving room and board.

People receiving special care

- 8** (1) For a person with disabilities who receives accommodation and care in a special care facility (other than a special care facility described in subsection (3)) or a private hospital or who is admitted to a hospital because the person requires extended care, the amount referred to in section 24 (a) [*amount of disability assistance*] of this regulation is the sum of
- (a) the actual cost, if any, to the applicant or recipient of the accommodation and care at the rate approved by the minister for the type of facility, plus
 - (b) a comforts allowance of \$222 for each person for each calendar month.
 - (c) Repealed. [B.C. Reg. 193/2017, s. 12.]
- (2) If the special care facility under subsection (1) is an alcohol or drug treatment centre, the minister may, in addition, pay either or both of the following while the applicant or recipient is in the alcohol or drug treatment centre:
- (a) actual shelter costs for the applicant's or recipient's usual place of residence up to the amount under section 4 for a family unit matching the applicant's or recipient's family unit;
 - (b) a monthly support allowance for the applicant's or recipient's family unit, equal to the amount calculated under sections 2 and 3 of this Schedule minus the portion of that allowance that would be provided on account of the applicant or recipient.
- (3) For a person with disabilities who receives accommodation and care in a special care facility operated by a service provider as defined in section 1 of the *Community Living Authority Act*, the amount referred to in section 24 (a) [*amount of disability assistance*] of this regulation is the sum of
- (a) the support allowance that is applicable under sections 2 and 3 of this Schedule for a family unit matching the applicant's or recipient's family unit, plus
 - (b) the maximum shelter allowance that is applicable under section 4 of this Schedule for a family unit matching the applicant's or recipient's family unit.

People in emergency shelters and transition houses

- 9** For a family unit receiving accommodation and care in an emergency shelter or transition house, the amount referred to in section 24 (a) [*amount of disability assistance*] of this regulation is
- (a) the actual cost, if any, to the family unit of the accommodation and care at the rate approved by the minister for the type of emergency shelter or transition house, plus
 - (b) the support allowance calculated under sections 2 and 3 of this Schedule for a family unit matching the family unit of the applicant or recipient.

SCHEDULE B

[am. B.C. Regs. 369/2002; 58/2003, s. 1; 115/2003, Sch. 2, s. 2; 117/2003; 209/2003, Sch. 2, s. 2; 462/2003, Sch. B, s. 3; 276/2004; 430/2004, s. 2 (b); 22/2005, Sch. s. 2 (b); 90/2005, s. 2; 91/2005, s. 2; 292/2005, s. 2 (a); 43/2006, s. 2; 192/2006, s. 9; 250/2006, s. 2 (b); 195/2007, s. 5; 363/2007, s. (b); 48/2008, s. 2 (b); 87/2008, s. 2 (b); 94/2008, s. 2 (b); 4/2010, s. 3; 48/2010, Sch. 1, s. 2 (c) and (d); 180/2010, s. 2; 242/2010, s. 5; 32/2012, Sch. 4, s. 1; 83/2012, s. 2; 85/2012, Sch. 2, s. 7; 86/2012; 197/2012, Sch. 2, ss. 11 to 15; 332/2012, s. 2; 123/2013; 31/2014, Sch. 2, s. 2; 172/2014, Sch. 2, s. 2; 226/2014, ss. 2 to 4; 41/2015, Sch. 2, s. 3; 73/2015, App. 4, s. 1; 145/2015, Sch. 2, ss. 14 and 15; 148/2015, App. 2, s. 1; 204/2015, App. 2, ss. 3 to 5; 81/2016, App. B, s. 1; 233/2016, App. 2; 283/2016, Sch. 2, s. 3; 96/2017, App. 2, s. 2; 34/2017, App. 2, ss. 5 to 9; 179/2017, App. 2, s. 2; 169/2017, App. 2, ss. 1 and 2; 150/2018, s. 2 (b); 189/2018, App. 2, s. 1 (b); 19/2019, App. 2, s. 1 (b); 226/2019, App. 2, s. 2; 259/2020, App. 2, s. 3; 268/2020, App. 2, ss. 3 and 4 and App. 4; 278/2020, App. 2, s. 2; 21/2021, App. 2, s. 1 (b); 108/2021, App. 2, s. 4; 232/2021, Sch. 2, s. 2; 189/2021, App. 4; 303/2021, Sch. 2, s. 2.]

NET INCOME CALCULATION

(section 24 (b))

Deduction and exemption rules

1 When calculating the net income of a family unit for the purposes of section 24 (b) [amount of disability assistance] of this regulation,

(a) the following are exempt from income:

- (i) any income earned by a dependent child attending school on a full-time basis;
- (ii) Repealed. [B.C. Reg. 96/2017, App. 2, s. 2 (a).]
- (iii) Repealed. [B.C. Reg. 48/2010, Sch. 1, s. 2 (c).]
- (iv) a family bonus, except the portion treated as unearned income under section 10 (1) of this Schedule;
- (iv.1) the Canada child benefit, except the portion treated as unearned income under section 10 (1) of this Schedule;
- (v) the basic child tax benefit;
- (vi) a goods and services tax credit under the *Income Tax Act* (Canada);
- (vii) a tax credit under section 8 [refundable sales tax credit], 8.1 [climate action tax credit] or 8.2 [BC harmonized sales tax credit] of the *Income Tax Act* (British Columbia);
- (viii) individual redress payments granted by the government of Canada to a person of Japanese ancestry;
- (ix) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;
- (x) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus or to the surviving spouse or dependent children of that person;
- (xi) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;
- (xii) money that is

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule B

- (A) paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or
- (B) paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry;
- (xii.1) money that is paid or payable to or for a person if the payment is in accordance with the settlement under the Final Settlement Agreement and Supplementary Agreement approved by the Federal Court June 22, 2018 in Court File No. T-370-17, *Todd Edward Ross et al. v. Her Majesty the Queen*;
- (xii.2) money that is paid or payable to or for a person if the payment is in accordance with the settlement under the Final Settlement Agreement approved by the Federal Court January 30, 2019 in Court File No. T-1068-14, *Raymond Michael Toth v. Her Majesty the Queen*;
- (xiii) the BC earned income benefit;
- (xiv) money paid or payable under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid or payable under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
- (xv) a rent subsidy provided by the provincial government, or by a council, board, society or governmental agency that administers rent subsidies from the provincial government;
- (xvi) Repealed. [B.C. Reg. 197/2012, Sch. 2, s. 11 (a).]
- (xvii) money paid or payable to a person in settlement of a claim of abuse at an Indian residential school, except money paid or payable as income replacement in the settlement;
- (xvii.1) money that is paid or payable to or for a person if the payment is in accordance with
 - (A) the Sixties Scoop Settlement made November 30, 2017, or
 - (B) the Federal Indian Day Schools Settlement made March 12, 2019, as amended May 13, 2019;
- (xviii) financial assistance payments provided under Part 6 of the Adoption Regulation, B.C. Reg. 291/96;
- (xix) a rebate of energy or fuel tax provided by the government of Canada, the government of British Columbia, or an agency of either government;
- (xx) money paid by the government of British Columbia, under a written agreement, to a person with disabilities or to a trustee for the benefit

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule B

of a person with disabilities to enable the person with disabilities to live in the community instead of in an institution;

- (xxi) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 7.]
- (xxii) payments granted by the government of British Columbia under section 8 [*agreement with child's kin and others*] of the *Child, Family and Community Service Act*;
- (xxiii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program;
- (xxiv) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 7.]
- (xxv) payments granted by the government of British Columbia under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*, for contributions to the support of a child;
- (xxvi) a loan that is
 - (A) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 70.1 of this regulation, and
 - (B) received and used for the purposes set out in the business plan;
- (xxvii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's
 - (A) Autism Funding: Under Age 6 Program, or
 - (B) Autism Funding: Ages 6 – 18 Program;
- (xxviii) Repealed. [B.C. Reg. 148/2015, App. 2, s. 1 (a).]
- (xxix) payments made by a health authority or a contractor of a health authority to a recipient, who is a "person with a mental disorder" as defined in section 1 of the *Mental Health Act*, for the purpose of supporting the recipient in participating in a volunteer program or in a mental health or addictions rehabilitation program;
- (xxx) a refund provided under Plan I as established under the Drug Plans Regulation;
- (xxxi) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills program, or a supported work placement program, approved by Community Living BC;
- (xxxii) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act* (Canada);
- (xxxiii) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990, except money paid under that agreement as income replacement;
- (xxxiv) money withdrawn from a registered disability savings plan;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule B

- (xxxv) a working income tax benefit provided under the *Income Tax Act* (Canada);
- (xxxvi) Repealed. [B.C. Reg. 180/2010, s. 2 (b).]
- (xxxvii) the climate action dividend under section 13.02 of the *Income Tax Act*;
- (xxxviii) money paid or payable to a person under the *Criminal Injury Compensation Act* as compensation for non-pecuniary loss or damage for pain, suffering mental or emotional trauma, humiliation or inconvenience that occurred when the person was under 19 years of age;
- (xxxix) money that is paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. S024338, Vancouver Registry;
- (xl) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Family Support Services program;
- (xli) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Supported Child Development program;
- (xlii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Aboriginal Supported Child Development program;
- (xliii) money paid or payable from a fund that is established by the government of British Columbia, the government of Canada and the City of Vancouver in relation to recommendation 3.2 of the final report of the Missing Women Commission of Inquiry;
- (xliv) payments granted by the government of British Columbia under the Temporary Education Support for Parents program;
- (xlv) a BC early childhood tax benefit;
- (xlv.1) a BC child opportunity benefit;
- (xlvi) child support;
- (xlvii) orphan's benefits under the *Canada Pension Plan Act* (Canada);
- (xlviii) money or other value received, by will or as the result of intestacy, from the estate of a deceased person;
- (xlix) gifts;
 - (l) education and training allowances, grants, bursaries or scholarships, other than student financial assistance;
 - (li) money withdrawn from a registered education savings plan;
 - (lii) compensation paid or payable under Division 5 [*Compensation in Relation to Death of Worker*] of Part 4 [*Compensation to Injured Workers and Their Dependants*] or section 225 [*compensation in*

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule B

relation to worker death before July 1, 1974] of the *Workers Compensation Act* to a dependant, as defined in section 1 of that Act, who is a child, as defined in section 165 (1) of that Act;

- (liii) money that is paid or payable by or for Community Living BC to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by Community Living BC, an employee of Community Living BC or a person retained under a contract to perform services for Community Living BC;
- (liv) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by the minister, the ministry, an employee of the ministry or a person retained under a contract to perform services for the ministry;
- (liv.1) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by the Minister of Children and Family Development, that ministry, an employee of that ministry or a person retained under a contract to perform services for that ministry;
- (liv.2) money that is paid or payable by the government of British Columbia to or for a person because the person was a resident of Woodlands School;
- (lv) a disabled contributor's child's benefit paid or payable under the *Canada Pension Plan*;
- (lvi) payments granted under an agreement referred to in section 94 of the *Child, Family and Community Service Act*;
- (lvii) money that is paid or payable, in respect of a child, from property that comes into the control of, or is held by, the Public Guardian and Trustee;
- (lviii) money that is paid or payable from a settlement in respect of Treaty No. 8 agricultural benefits;
- (lviv) money that is paid or payable from a settlement under
 - (A) the Cadboro Bay Litigation Settlement Agreement, dated for reference November 1, 2017, between the Esquimalt Nation and Canada, or
 - (B) the settlement agreement, dated for reference October 30, 2017, between the Songhees Nation and Canada;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule B

-
- (lx) money that is paid or payable under the Memorial Grant Program for First Responders established under the authority of the *Department of Public Safety and Emergency Preparedness Act* (Canada);
 - (lxi) money, or goods or services in kind, received or to be received by a participant in the Ministry of Social Development and Poverty Reduction's Work Experience Opportunities Grant program from a grant under the program;
 - (lxii) a rebate of all or part of a premium paid to the Insurance Corporation of British Columbia under the *Insurance (Vehicle) Act* and the plan operated under that Act;
 - (lxiii) an amount that is paid or payable, as a single payment or series of payments, as follows:
 - (A) the amount is paid or payable by a person who is or was a landlord, owner or manager, or a person who holds or held a similar position, in relation to leased, rented or licensed residential premises, whether or not the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act* applies to that premises;
 - (B) the amount is paid or payable to a person who is or was a tenant, lessee, licensee or occupant, or a person who has or had a similar right or permission to use the premises for residential purposes;
 - (C) the amount is paid or payable as full or partial compensation for loss of the residential use of the premises, including for eviction, relocation, demolition, temporary displacement during repair, renovation or redevelopment, or as an inducement to cease or suspend residential use;
 - (D) the amount is paid or payable under an enactment, a policy or a contract, or voluntarily or at the discretion of the person referred to in clause (A);
 - (lxiv) money that is paid or is payable to or for a person from a settlement under the Williams Treaties Settlement Agreement signed August 22, 2018;
 - (lxv) money that is paid or is payable to or for a person from a settlement under the Missanabie Cree First Nation Treaty Land Entitlement Settlement Agreement signed April 24, 2020;
 - (lxvi) money that is paid or is payable to or for a person from a settlement under the Peepeekisis Cree Nation File Hills Colony Specific Claim Settlement Agreement signed March 23, 2021;
 - (lxvii) money that is paid or is payable to or for a person from a settlement under an agreement to settle claims relating to the transfer of the Seabird Island Indian Reserve in 1959 by the Government of Canada

to the Seabird Island Band and the distribution of shared trust funds on a per capita basis,

- (b) any amount garnished, attached, seized, deducted or set off from income is considered to be income, except the deductions permitted under sections 2 and 6,
- (c) all earned income must be included, except the deductions permitted under section 2 and any earned income exempted under sections 3 and 4, and
- (d) all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 3, 7 and 8.

Deductions from earned income

2 The only deductions permitted from earned income are the following:

- (a) any amount deducted at source for
 - (i) income tax,
 - (ii) employment insurance,
 - (iii) medical insurance,
 - (iv) *Canada Pension Plan*,
 - (v) superannuation,
 - (vi) company pension plan, and
 - (vii) union dues;
- (b) if the applicant or recipient provides both room and board to a person at the applicant's or recipient's place of residence, the essential operating costs of providing the room and board;
- (c) if the applicant or recipient rents rooms that are common to and part of the applicant's or recipient's place of residence, 25% of the gross rent received from the rental of the rooms.

Annual exemption – qualifying income

3 (1) In this section:

“base amount” means

- (a) \$1 250, in the case of a family unit that includes only one recipient,
- (b) \$1 500, in the case of a family unit that includes two recipients, only one of whom is designated as a person with disabilities, and
- (c) \$2 500, in the case of a family unit that includes two recipients who are designated as persons with disabilities;

“initial qualifying month”, in respect of a family unit and a calendar year, means the calendar month specified for the family unit under subsection (5);

“qualifying income” means

- (a) earned income, except the deductions permitted under section 2, and

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule B

- (b) unearned income that is compensation paid under section 191 [*temporary total disability*] or 192 [*temporary partial disability*] of the *Workers Compensation Act*;

“qualifying month”, in respect of a family unit and a calendar year, means

- (a) the initial qualifying month for the family unit in the calendar year, and
- (b) any subsequent calendar month in the calendar year that is a calendar month for which the family unit is eligible to receive disability assistance under the Act;

“recognized family unit”, in respect of a calendar year, means a family unit that

- (a) forms during the calendar year, and
- (b) includes at least one person who
 - (i) is designated as a person with disabilities, and
 - (ii) was previously a recipient in another family unit that was eligible to receive disability assistance under the Act for a calendar month in the calendar year.

- (2) For the purposes of section 1 (c) and (d), the lesser of the following amounts is exempt income of a family unit for a qualifying month:

- (a) the qualifying income of the family unit for the qualifying month;
- (b) the exemption limit of the family unit for the qualifying month calculated in accordance with subsection (3).

- (3) The exemption limit of a family unit for a qualifying month for the family unit in a calendar year is the following:

- (a) in the case of the initial qualifying month for the family unit in the calendar year, the amount calculated in accordance with subsection (4);
- (b) in the case of any other qualifying month for the family unit in the calendar year, the amount calculated in accordance with subsection (7).

- (4) For the purposes of subsection (3) (a), the exemption limit of a family unit for the initial qualifying month for the family unit in a calendar year is calculated as follows:

- (a) in the case of a family unit other than a recognized family unit, the exemption limit is the product of
 - (i) the base amount for the family unit, and
 - (ii) 12 minus the number of calendar months in the calendar year that are before that initial qualifying month;
- (b) in the case of a recognized family unit that includes only one recipient, the exemption limit is the product of
 - (i) the base amount for the recognized family unit, and
 - (ii) 12 minus the number of calendar months in the calendar year that are before that initial qualifying month;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule B

- (c) in the case of a recognized family unit that includes two recipients, the exemption limit is the sum of the carryover amounts for the recipients calculated in accordance with subsection (6).
- (5) For the purposes of subsection (4), the initial qualifying month for a family unit is the following:
 - (a) in the case of a family unit described in subsection (4) (a), the initial qualifying month is
 - (i) the first calendar month for which the family unit is eligible to receive disability assistance under the Act, if
 - (A) a member of the family unit who is designated as a person with disabilities previously received disability assistance under the Act or a former Act, as a person with disabilities, or
 - (B) a member of the family unit received income assistance under the *Employment and Assistance Act* for the calendar month immediately preceding that first calendar month, or
 - (ii) if subparagraph (i) does not apply, the first calendar month, after the first calendar month referred to in that subparagraph, for which the family unit is eligible to receive disability assistance under the Act;
 - (b) in the case of a family unit described in subsection (4) (b), the initial qualifying month is the first calendar month, after the calendar month in which the family unit forms, for which the family unit is eligible to receive disability assistance under the Act;
 - (c) in the case of a family unit described in subsection (4) (c), the initial qualifying month is
 - (i) the calendar month in which the family unit forms, if the family unit is eligible to receive disability assistance under the Act for that calendar month, or
 - (ii) if subparagraph (i) does not apply, the first calendar month, after the calendar month in which the family unit forms, for which the family unit is eligible to receive disability assistance under the Act.
- (6) For the purposes of subsection (4) (c), the carryover amount for a recipient who is part of a recognized family unit that includes two recipients is calculated as follows:
 - (a) in the case of a recipient who is not designated as a person with disabilities, the product of
 - (i) the amount specified in paragraph (b) of the definition of “base amount” minus the amount specified in paragraph (a) of that definition, and
 - (ii) 12 minus the number of calendar months in the calendar year that are before the initial qualifying month for the recognized family unit;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule B

-
- (b) in the case of a recipient who is designated as a person with disabilities, if the last family unit, before the recognized family unit, of which the person was a part that was eligible to receive disability assistance under the Act included no other recipients, the greater of
- (i) nil, and
 - (ii) the exemption limit of that last family unit for the last qualifying month for that last family unit, adjusted as follows:
 - (A) by deducting the qualifying income of that last family unit in that last qualifying month;
 - (B) by deducting the product of
 - (I) the amount specified in paragraph (a) of the definition of “base amount”, and
 - (II) the number of calendar months after that last qualifying month and before the initial qualifying month for the recognized family unit;
- (c) in the case of a recipient who is designated as a person with disabilities, if paragraph (b) does not apply, the product of
- (i) the amount specified in paragraph (a) of the definition of “base amount”, and
 - (ii) 12 minus the number of calendar months in the calendar year that are before the initial qualifying month for the recognized family unit.
- (7) For the purposes of subsection (3) (b), the exemption limit of a family unit for any other qualifying month (an “index qualifying month”) for the family unit in the calendar year is the greater of
- (a) nil, and
 - (b) the exemption limit of the family unit for the last qualifying month for the family unit before the index qualifying month, adjusted as follows:
 - (i) by deducting the qualifying income of the family unit in that last qualifying month;
 - (ii) in the case of a family unit that includes a recipient whose designation as a person with disabilities was rescinded
 - (A) in that last qualifying month, or
 - (B) in a calendar month after that last qualifying month and before the index qualifying month,by deducting the product of
 - (C) the amount specified in paragraph (c) of the definition of “base amount” minus the amount specified in paragraph (b) of that definition, and
 - (D) 12 minus the number of calendar months in the calendar year that are before the index qualifying month;

- (iii) in the case of a family unit that includes a recipient whose designation as a person with disabilities was made
 - (A) in that last qualifying month, or
 - (B) in a calendar month after that last qualifying month and before the index qualifying month,by adding the product of
 - (C) the amount specified in paragraph (c) of the definition of “base amount” minus the amount specified in paragraph (b) of that definition, and
 - (D) 12 minus the number of calendar months in the calendar year that are before the index qualifying month;
- (iv) by deducting the product of
 - (A) the base amount for the family unit, as the family is composed in that last calendar month before any rescission described in subparagraph (ii) or designation described in subparagraph (iii) is made, and
 - (B) the number of calendar months after that last qualifying month and before the index qualifying month.

(8) Repealed. [B.C. Reg. 268/2020, App. 4, s. 1 (b).]

3.1 Repealed. [B.C. Reg. 226/2014, s. 3.]

Small business exemption

4 (1) In this section and section 5,

“permitted operating expenses” means costs, charges and expenses incurred by a person in the operation of a small business, under a self-employment program in which the person is participating, for the following:

- (a) purchase of supplies and products;
- (b) accounting and legal services;
- (c) advertising;
- (d) taxes, fees, licences and dues incurred in the small business;
- (e) business insurance;
- (f) charges imposed by a savings institution on an account and interest;
- (f.1) payments, including principal and interest, on a loan that is
 - (i) not greater than the amount contemplated by the recipient’s business plan, accepted by the minister under section 70.1 of this regulation, and
 - (ii) received and used for the purposes set out in the business plan;
- (g) maintenance and repairs to equipment;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule B

- (h) gross wages paid to employees of the small business, but not including wages paid to
 - (i) the person participating, or
 - (ii) a person in the family unit of the person participating;
 - (i) motor vehicle expenses;
 - (j) premiums for employment insurance or workers' compensation benefits;
 - (k) employer contributions for employment insurance, workers' compensation or the *Canada Pension Plan*;
 - (l) rent and utilities, excluding rent and utilities for the place of residence of the persons described in subparagraphs (i) or (ii) of paragraph (h) unless
 - (i) there is an increase for rent or utilities and the increase is attributable to the small business, and
 - (ii) the increase is not provided for in the calculation of the family unit's shelter allowance under Schedule A of this regulation;
 - (m) office expenses;
 - (n) equipment purchases or rentals.
- (2) Earned income of a recipient of disability assistance is exempted from the total income of the recipient's family unit if
- (a) the recipient is participating in a self-employment program, and
 - (b) the earned income is derived from operating a small business under the self-employment program in which the recipient is participating and
 - (i) is used for permitted operating expenses of the small business, or
 - (ii) is deposited in a separate account, established by the recipient in a savings institution, which account
 - (A) consists exclusively of funds reserved by the recipient for the purpose of paying permitted operating expenses of that small business, and
 - (B) the amount deposited does not increase the current balance of the separate account to a sum that exceeds \$5 000, or
 - (iii) is used for costs of renovations to the recipient's place of residence up to but not exceeding \$5 000 in total or a greater amount approved by the minister, if the renovations are part of a business plan accepted by the minister under section 70.1 of this regulation.

Withdrawals and expenditures from reserve account

- 5** The amount of any expenditure or withdrawal out of a separate account described in section 4 (2) (b) (ii) of this Schedule, is earned income for all purposes of this regulation, unless

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule B

- (a) the expenditure or withdrawal is for the payment of permitted operating expenses of the small business referred to in section 4 (2) of this Schedule, and
- (b) in the case of a withdrawal, the amount withdrawn is used within one month after the date of withdrawal to pay permitted operating expenses of the small business referred to in section 4 (2) (b) (i) of this Schedule.

Deductions from unearned income

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

- (a) any income tax deducted at source from employment insurance benefits;
- (b) essential operating costs of renting self-contained suites.

Exemptions – unearned income

7 (0.1) In this section:

“**disability-related cost**” means a disability-related cost referred to in paragraph (a), (b), (c) or (e) of the definition of disability-related cost in section 12 (1) [*assets held in trust for person with disabilities*] of this regulation;

“**disability-related cost to promote independence**” means a disability-related cost referred to in paragraph (d) of the definition of disability-related cost in section 12 (1) of this regulation;

“**intended registered disability savings plan or trust**”, in relation to a person referred to in section 12.1 (2) [*temporary exemption of assets for person with disabilities or person receiving special care*] of this regulation, means an asset, received by the person, to which the exemption under that section applies;

“**structured settlement annuity payment**” means a payment referred to in subsection (2) (b) (iii) made under the annuity contract referred to in that subsection.

(1) The following unearned income is exempt:

- (a) the portion of interest from a mortgage on, or agreement for sale of, the family unit’s previous place of residence if the interest is required for the amount owing on the purchase or rental of the family unit’s current place of residence;
- (b) \$50 of each monthly Federal Department of Veterans Affairs benefits paid to any person in the family unit;
- (c) a criminal injury compensation award or other award, except the amount that would cause the family unit’s assets to exceed, at the time the award is received, the limit applicable under section 10 [*asset limits*] of this regulation;
- (d) a payment made from a trust to or on behalf of a person referred to in section 12 (1) [*assets held in trust for person with disabilities*] of this regulation if the payment is applied exclusively to or used exclusively for

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule B

- (i) disability-related costs,
 - (ii) the acquisition of a family unit's place of residence,
 - (iii) a registered education savings plan, or
 - (iv) a registered disability savings plan;
- (d.1) subject to subsection (2), a structured settlement annuity payment made to a person referred to in section 12 (1) of this regulation if the payment is applied exclusively to or used exclusively for an item referred to in subparagraph (i), (ii), (iii) or (iv) of paragraph (d) of this subsection;
- (d.2) money expended by a person referred to in section 12.1 (2) [*temporary exemption of assets for person with disabilities or person receiving special care*] of this regulation from an intended registered disability savings plan or trust if the money is applied exclusively to or used exclusively for disability-related costs;
- (d.3) any of the following if applied exclusively to or used exclusively for disability-related costs to promote independence:
 - (i) a payment made from a trust to or on behalf of a person referred to in section 12 (1) of this regulation;
 - (ii) a structured settlement annuity payment that, subject to subsection (2), is made to a person referred to in section 12 (1) of this regulation;
 - (iii) money expended by a person referred to in section 12.1 (2) of this regulation from an intended registered disability savings plan or trust;
- (e) the portion of Canada Pension Plan Benefits that is calculated by the formula $(A-B) \times C$, where
 - A = the gross monthly amount of Canada Pension Plan Benefits received by an applicant or recipient;
 - B =
 - (i) in respect of a family unit comprised of a sole applicant or a sole recipient with no dependent children, 1/12 of the amount determined under section 118 (1) (c) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act, or
 - (ii) in respect of any other family unit, the amount under subparagraph (i), plus 1/12 of the amount resulting from the calculation under section 118 (1) (a) (ii) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act;
 - C = the sum of the percentages of taxable amounts set out under section 117 (2) (a) of the *Income Tax Act* (Canada) and section 4.1 (1) (a) of the *Income Tax Act*;
- (f) a tax refund;
- (g) a benefit paid under section 22, 23 or 23.2 of the *Employment Insurance Act* (Canada) to any person in the family unit.

- (2) Subsection (1) (d.1) and (d.3) (ii) applies in respect of a person only if
- (a) the person has entered into a settlement agreement with the defendant in relation to a claim for damages in respect of personal injury or death, and
 - (b) the settlement agreement requires the defendant to
 - (i) make periodic payments to the person for a fixed term or the life of the person,
 - (ii) purchase a single premium annuity contract that
 - (A) is not assignable, commutable or transferable, and
 - (B) is designed to produce payments equal to the amounts, and at the times, specified in the settlement agreement,
 - (iii) make an irrevocable direction to the issuer of the annuity contract to make all payments under that annuity contract directly to the person, and
 - (iv) remain liable to make the payments required by the settlement agreement.

(2.1) Repealed. [B.C. Reg. 204/2015, App. 2, s. 4 (b).]

(3) Repealed. [B.C. Reg. 197/2012, Sch. 2, s. 13 (f).]

7.1 and 7.2 Repealed. [B.C. Reg. 226/2014, s. 4.]

Minister's discretion to exempt education related unearned income

8 (1) In this section:

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

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

- (2) The minister may authorize an exemption for a student up to the sum of the student’s education costs and day care costs, for a period of study, from the total amount of student financial assistance received by the student for the period of study.

Application of deductions and exemptions

- 9** (1) The deductions and exemptions in this Schedule apply only in the calendar month in which the income is actually received, despite any of the following:
- (a) the date the income is payable;
 - (b) the period for which the income is payable;
 - (c) the date the income is reported to the minister;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule B

(d) the date the minister receives notice of the income.

- (2) Despite subsection (1), income that is received before the date that subsection (1) comes into force is subject to the application of section 9 of this regulation as it read immediately before subsection (1) came into force.

Portion of backdated family bonus or Canada child benefit treated as unearned income

10 (0.1) In this section:

“backdated Canada child benefit payment”, in relation to a child benefits cheque, means the portion of the cheque, if any, attributable to the Canada child benefit for one or more calendar months preceding the calendar month in which the cheque is issued;

“backdated family bonus payment”, in relation to a child benefits cheque, means the portion of the cheque, if any, attributable to the family bonus for one or more calendar months preceding the calendar month in which the cheque is issued;

“supplement” means a supplement referred to in section 59 [*supplement for delayed, suspended or cancelled family bonus*] or 59.1 [*supplement for delayed, suspended or cancelled Canada child benefit*] of this regulation.

- (1) If a person in the applicant’s or recipient’s family unit receives a backdated family bonus payment or a backdated Canada child benefit payment and all or part of the payment is attributable to one or more calendar months for which the family unit was also provided with a supplement, the lesser of the following amounts must be treated as unearned income:
- (a) the portion of the backdated family bonus payment or the backdated Canada child benefit payment, as applicable, that is attributable to those calendar months for which the family unit was provided with a supplement;
 - (b) the sum of the supplements that are attributable to those calendar months for which the family unit received the backdated family bonus payment or the backdated Canada child benefit payment, as applicable.
- (2) For the purposes of subsection (1), an amount that, under the *Income Tax Act* (British Columbia) or the *Income Tax Act* (Canada), is deducted or set off from a family bonus or a Canada child benefit is considered to have been paid to a person in the applicant’s or recipient’s family unit.
- (3) Subsection (1) does not apply to an amount included in that portion of a child benefits cheque attributable to family bonus or Canada child benefit
- (a) to replace a lost or stolen cheque for which an amount was advanced under section 58 [*advance for lost or stolen family bonus cheque*] or 58.1 [*advance for lost or stolen child benefits cheque – Canada child benefit*] of this regulation, or
 - (b) to replace a cheque for which no amount was advanced under section 58 [*advance for lost or stolen family bonus cheque*] or 58.1 [*advance for lost*

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule C

or stolen child benefits cheque – Canada child benefit] of this regulation if the replacement is received in the calendar month following the calendar month for which the lost or stolen cheque was issued.

(c) Repealed. [B.C. Reg. 48/2010, Sch. 1, s. 2 (d).]

Backdated CPP treated as unearned income

11 (1) In this section, “**pension benefit**” means a pension or other payment under the *Canada Pension Plan* (Canada).

(2) If

- (a) disability assistance is provided to a family unit for a calendar month or any portion of a calendar month that would not have been provided if a pension benefit had been paid for that calendar month, and
- (b) subsequently a pension benefit becomes payable or payment of a pension benefit may be made under the *Canada Pension Plan* (Canada) to a recipient in the family unit for that calendar month or any portion of that calendar month

the amount of the pension benefit that becomes payable for that month or portion of that month must be treated as unearned income and is considered to have been received by the recipient in that month.

SCHEDULE C

[am. B.C. Regs. 236/2003, Sch. 2, s. 2; 285/2003, s. 2; 430/2003, s. 4; 9/2004; 10/2004, Sch. B; 94/2005; 153/2005; 159/2005, s. 2; 163/2005; 165/2005; 315/2006; 53/2007, s. 2; 60/2007, s. 2; 75/2008; 317/2008, s. 10; 318/2008, s. 2; 412/2008, App. s. 3; 420/2008, App. s. 3; 421/2008, App. s. 3; 422/2008, App. s. 3; 423/2008, App. s. 3; 4/2010, s. 3; 61/2010, ss. 5 and 6; 64/2010, s. 4; 65/2010, App. 2; 66/2010, s. 2; 68/2010, ss. 3 and 4; 169/2010, App. s. 3; 144/2011, Sch. 2; 85/2012, Sch. 2, ss. 8 to 11; 197/2012, Sch. 2, ss. 16 to 23; 145/2015, Sch. 2, s. 16; 118/2017, App. 2, ss. 2 and 3; 161/2017, App. 2, ss. 3 to 7; 94/2018, App. 2; 123/2019, App. 2, ss. 6 and 7; 270/2019, App. 2, s. 24; 35/2020, App. 2, s. 7; 209/2020, s. 2; 206/2020, s. 6.]

HEALTH SUPPLEMENTS**Definitions**

1 In this Schedule:

“**audiologist**” means an audiologist registered with the College of Speech and Hearing Health Professionals of British Columbia established under the *Health Professions Act*;

“**basic dental service**” means a dental service that

- (a) if provided by a dentist,
 - (i) is set out in the Schedule of Fee Allowances – Dentist that is effective September 1, 2017 and is published on the website of the ministry of the minister, and
 - (ii) is provided at the rate set out in that Schedule for the service and the category of person receiving the service,
- (b) if provided by a denturist,

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule C

- (i) is set out in the Schedule of Fee Allowances – Denturist that is effective September 1, 2017 and is published on the website of the ministry of the minister, and
- (ii) is provided at the rate set out in that Schedule for the service and the category of person receiving the service, and
- (c) if provided by a dental hygienist,
 - (i) is set out in the Schedule of Fee Allowances – Dental Hygienist that is effective September 1, 2017 and is published on the website of the ministry of the minister, and
 - (ii) is provided at the rate set out in that Schedule for the service and the category of person receiving the service;

“basic eyewear and repairs” means any of the following items that are provided by an optometrist, ophthalmologist or optician:

- (a) for a child who has a new prescription, one pair of eye glasses per year consisting of the least expensive appropriate
 - (i) single-vision or bifocal lenses, and
 - (ii) frames;
- (b) for any other person who has a new prescription, one pair of eye glasses every 3 years consisting of the least expensive appropriate
 - (i) single-vision or bifocal lenses, and
 - (ii) frames;
- (c) for a child or other person,
 - (i) new lenses at any time if an optometrist, ophthalmologist or optician confirms a change in refractive status in either eye,
 - (ii) a case for new eye glasses or lenses, and
 - (iii) necessary repairs to lenses or frames that come within this definition;

“change in refractive status” means a change of not less than 0.5 dioptres to the spherical or cylinder lens, or a change in axis that equals or exceeds

- (a) 20 degrees for a cylinder lens of 0.5 dioptres or less,
- (b) 10 degrees for a cylinder lens of more than 0.5 dioptres but not more than 1.0 dioptre, and
- (c) 3 degrees for a cylinder lens of more than 1.0 dioptre;

“dental hygienist” means a dental hygienist registered with the College of Dental Hygienists established under the *Health Professions Act*;

“dentist” means a dentist registered with the College of Dental Surgeons of British Columbia continued under the *Health Professions Act*;

“denture services” means services and items that

- (a) if provided by a dentist

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule C

- (i) are set out under fee numbers 51101 to 51302 in the Schedule of Fee Allowances – Dentist that is effective September 1, 2017 and is published on the website of the ministry of the minister, and
 - (ii) are provided at the rate set out in that Schedule for the service or item and the category of person receiving the service or item, and
- (b) if provided by a dentist
- (i) are set out under fee numbers 31310 to 31321 in the Schedule of Fee Allowances – Denturist that is effective September 1, 2017 and is published on the website of the ministry of the minister, and
 - (ii) are provided at the rate set out in that Schedule for the service or item and the category of person receiving the service or item;

“denturist” means a denturist registered with the College of Denturists of British Columbia established under the *Health Professions Act*;

“emergency dental service” means a dental service necessary for the immediate relief of pain that,

- (a) if provided by a dentist,
 - (i) is set out in the Schedule of Fee Allowances – Emergency Dental – Dentist, that is effective September 1, 2017 and is published on the website of the ministry of the minister, and
 - (ii) is provided at the rate set out in that Schedule for the service and the category of the person receiving the service, and
- (b) if provided by a denturist,
 - (i) is set out in the Schedule of Fee Allowances – Emergency Dental – Denturist, that is effective September 1, 2017 and is published on the website of the ministry of the minister, and
 - (ii) is provided at the rate set out in that Schedule for the service and the category of the person receiving the service;

“eye examination” means a full diagnostic examination of a person’s eyes by an optometrist or an ophthalmologist, that includes

- (a) a determination of the refractive status of the eyes and of the presence of any observed abnormality in the person’s visual system,
- (b) any necessary tests connected to making determinations under paragraph (a), and
- (c) the provision of a written prescription for lenses if necessary;

“hearing instrument” has the same meaning as in the Speech and Hearing Health Professionals Regulation, B.C. Reg. 413/2008;

“hearing instrument practitioner” means a hearing instrument practitioner registered with the College of Speech and Hearing Health Professionals of British Columbia established under the *Health Professions Act*;

“**occupational therapist**” means an occupational therapist registered with the College of Occupational Therapists of British Columbia established under the *Health Professions Act*;

“**ophthalmologist**” means a medical practitioner who practises ophthalmology;

“**optician**” means an optician registered with the College of Opticians of British Columbia established under the *Health Professions Act*;

“**optometrist**” means an optometrist registered with the College of Optometrists of British Columbia established under the *Health Professions Act*;

“**orthotist**” means a person who is certified by and in good standing with the Canadian Board for Certification of Prosthetists and Orthotists;

“**pedorthist**” means a person who is certified by and in good standing with the College of Pedorthics of Canada;

“**physical therapist**” means a physical therapist registered with the College of Physical Therapists of British Columbia established under the *Health Professions Act*;

“**physical therapy**” has the same meaning as in the Physical Therapists Regulation, B.C. Reg. 288/2008;

“**pre-authorized eyewear and repairs**” means eyewear and repairs provided by an optometrist, ophthalmologist or optician and for which pre-authorization is given by the minister, but does not include basic eyewear and repairs;

“**specialist**” means a medical practitioner recognized as a specialist in a field of medicine or surgery in accordance with the bylaws made by the board for the College of Physicians and Surgeons of British Columbia under section 19 (1) (k.3) and (k.4) of the *Health Professions Act*.

General health supplements

- 2 (1) The following are the health supplements that may be paid for by the minister if provided to a family unit that is eligible under section 62 [*general health supplements*] of this regulation:
- (a) medical or surgical supplies that are, at the minister’s discretion, either disposable or reusable, if the minister is satisfied that all of the following requirements are met:
 - (i) the supplies are required for one of the following purposes:
 - (A) wound care;
 - (B) ongoing bowel care required due to loss of muscle function;
 - (C) catheterization;
 - (D) incontinence;
 - (E) skin parasite care;
 - (F) limb circulation care;
 - (ii) the supplies are

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule C

- (A) prescribed by a medical practitioner or nurse practitioner,
- (B) the least expensive supplies appropriate for the purpose, and
- (C) necessary to avoid an imminent and substantial danger to health;
- (iii) there are no resources available to the family unit to pay the cost of or obtain the supplies;
- (a.1) the following medical or surgical supplies that are, at the minister's discretion, either disposable or reusable, if the minister is satisfied that all the requirements described in paragraph (a) (ii) and (iii) are met in relation to the supplies:
 - (i) lancets;
 - (ii) needles and syringes;
 - (iii) ventilator supplies required for the essential operation or sterilization of a ventilator;
 - (iv) tracheostomy supplies;
- (a.2) consumable medical supplies, if the minister is satisfied that all of the following requirements are met:
 - (i) the supplies are required to thicken food;
 - (ii) all the requirements described in paragraph (a) (ii) and (iii) are met in relation to the supplies;
- (b) Repealed. [B.C. Reg. 236/2003, Sch. 2, s. 2 (b).]
- (c) subject to subsection (2), a service provided by a person described opposite that service in the following table, delivered in not more than 12 visits per calendar year,
 - (i) for which a medical practitioner or nurse practitioner has confirmed an acute need,
 - (ii) if the visits available under the Medical and Health Care Services Regulation, B.C. Reg. 426/97, for that calendar year have been provided and for which payment is not available under the *Medicare Protection Act*, and
 - (iii) for which there are no resources available to the family unit to cover the cost:

Item	Service	Provided by	Registered with
1	acupuncture	acupuncturist	College of Traditional Chinese Medicine under the <i>Health Professions Act</i>
2	chiropractic	chiropractor	College of Chiropractors of British Columbia under the <i>Health Professions Act</i>

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule C

Item	Service	Provided by	Registered with
3	massage therapy	massage therapist	College of Massage Therapists of British Columbia under the <i>Health Professions Act</i>
4	naturopathy	naturopath	College of Naturopathic Physicians of British Columbia under the <i>Health Professions Act</i>
5	non-surgical podiatry	podiatrist	College of Physicians and Surgeons of British Columbia under the <i>Health Professions Act</i>
6	physical therapy	physical therapist	College of Physical Therapists of British Columbia under the <i>Health Professions Act</i>

(d) and (e) Repealed. [B.C. Reg. 75/2008, s. (a).]

(f) the least expensive appropriate mode of transportation to or from

- (i) an office, in the local area, of a medical practitioner or nurse practitioner,
- (ii) the office of the nearest available specialist in a field of medicine or surgery if the person has been referred to a specialist in that field by a local medical practitioner or nurse practitioner,
- (iii) the nearest suitable general hospital or rehabilitation hospital, as those facilities are defined in section 1.1 of the Hospital Insurance Act Regulations, or
- (iv) the nearest suitable hospital as defined in paragraph (e) of the definition of “hospital” in section 1 of the *Hospital Insurance Act*,

provided that

- (v) the transportation is to enable the person to receive a benefit under the *Medicare Protection Act* or a general hospital service under the *Hospital Insurance Act*, and
- (vi) there are no resources available to the person’s family unit to cover the cost.

(g) Repealed. [B.C. Reg. 75/2008, s. (a).]

- (1.1) For the purposes of subsection (1) (a), medical and surgical supplies do not include nutritional supplements, food, vitamins, minerals or prescription medications.
- (2) No more than 12 visits per calendar year are payable by the minister under this section for any combination of physical therapy services, chiropractic services, massage therapy services, non-surgical podiatry services, naturopathy services and acupuncture services.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule C

- (2.1) If eligible under subsection (1) (c) and subject to subsection (2), the amount of a general health supplement under section 62 of this regulation for physical therapy services, chiropractic services, massage therapy services, non-surgical podiatry services, naturopathy services and acupuncture services is \$23 for each visit.
- (3) If the minister provided a benefit to or for a person under section 2 (3) of Schedule C of the Disability Benefits Program Regulation, B.C. Reg. 79/97, the Income Assistance Regulation, B.C. Reg. 75/97 or the Youth Works Regulation, B.C. Reg. 77/97, as applicable, for the month during which the regulation was repealed, the minister may continue to provide that benefit to or for that person as a supplement under this regulation on the same terms and conditions as previously until the earlier of the following dates:
- (a) the date the conditions on which the minister paid the benefit are no longer met;
 - (b) the date the person ceases to receive disability assistance.

Optical supplements

2.1 The following are the optical supplements that may be provided under section 62.1 [*optical supplements*] of this regulation:

- (a) basic eyewear and repairs;
- (b) pre-authorized eyewear and repairs.

Eye examination supplements

2.2 The minister may pay a health supplement under section 67.2 [*eye examination supplements*] of this regulation for an eye examination that,

- (a) if provided by an optometrist, is provided for a fee that does not exceed \$44.83, or
- (b) if provided by an ophthalmologist, is provided for a fee that does not exceed \$48.90.

Medical equipment and devices

- 3** (1) Subject to subsections (2) to (5) of this section, the medical equipment and devices described in sections 3.1 to 3.12 of this Schedule are the health supplements that may be provided by the minister if
- (a) the supplements are provided to a family unit that is eligible under section 62 [*general health supplements*] of this regulation, and
 - (b) all of the following requirements are met:
 - (i) the family unit has received the pre-authorization of the minister for the medical equipment or device requested;
 - (ii) there are no resources available to the family unit to pay the cost of or obtain the medical equipment or device;

- (iii) the medical equipment or device is the least expensive appropriate medical equipment or device.
- (2) For medical equipment or devices referred to in sections 3.1 to 3.8 or section 3.12, in addition to the requirements in those sections and subsection (1) of this section, the family unit must provide to the minister one or both of the following, as requested by the minister:
 - (a) a prescription of a medical practitioner or nurse practitioner for the medical equipment or device;
 - (b) an assessment by an occupational therapist or physical therapist confirming the medical need for the medical equipment or device.
- (2.1) For medical equipment or devices referred to in section 3.9 (1) (b) to (g), in addition to the requirements in that section and subsection (1) of this section, the family unit must provide to the minister one or both of the following, as requested by the minister:
 - (a) a prescription of a medical practitioner or nurse practitioner for the medical equipment or device;
 - (b) an assessment by a respiratory therapist, occupational therapist or physical therapist confirming the medical need for the medical equipment or device.
- (3) Subject to subsection (6), the minister may provide as a health supplement a replacement of medical equipment or a medical device, previously provided by the minister under this section, that is damaged, worn out or not functioning if
 - (a) it is more economical to replace than to repair the medical equipment or device previously provided by the minister, and
 - (b) the period of time, if any, set out in sections 3.1 to 3.12 of this Schedule, as applicable, for the purposes of this paragraph, has passed.
- (4) Subject to subsection (6), the minister may provide as a health supplement repairs of medical equipment or a medical device that was previously provided by the minister if it is more economical to repair the medical equipment or device than to replace it.
- (5) Subject to subsection (6), the minister may provide as a health supplement repairs of medical equipment or a medical device that was not previously provided by the minister if
 - (a) at the time of the repairs the requirements in this section and sections 3.1 to 3.12 of this Schedule, as applicable, are met in respect of the medical equipment or device being repaired, and
 - (b) it is more economical to repair the medical equipment or device than to replace it.
- (6) The minister may not provide a replacement of medical equipment or a medical device under subsection (3) or repairs of medical equipment or a medical device

under subsection (4) or (5) if the minister considers that the medical equipment or device was damaged through misuse.

Medical equipment and devices – canes, crutches and walkers

- 3.1** (1) Subject to subsection (2) of this section, the following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to achieve or maintain basic mobility:
- (a) a cane;
 - (b) a crutch;
 - (c) a walker;
 - (d) an accessory to a cane, a crutch or a walker.
- (2) A walking pole is not a health supplement for the purposes of section 3 of this Schedule.

Medical equipment and devices – wheelchairs

- 3.2** (1) In this section, “**wheelchair**” does not include a stroller.
- (2) Subject to subsection (4) of this section, the following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to achieve or maintain basic mobility:
- (a) a wheelchair;
 - (b) an upgraded component of a wheelchair;
 - (c) an accessory attached to a wheelchair.
- (3) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (2) of this section is 5 years after the minister provided the item being replaced.
- (4) A high-performance wheelchair for recreational or sports use is not a health supplement for the purposes of section 3 of this Schedule.

Medical equipment and devices – wheelchair seating systems

- 3.3** (1) The following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to achieve or maintain a person’s positioning in a wheelchair:
- (a) a wheelchair seating system;
 - (b) an accessory to a wheelchair seating system.
- (2) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (1) of this section is 2 years from the date on which the minister provided the item being replaced.

Medical equipment and devices – scooters

- 3.4** (1) In this section, “**scooter**” does not include a scooter with 2 wheels.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule C

-
- (2) Subject to subsection (5) of this section, the following items are health supplements for the purposes of section 3 of this Schedule if all of the requirements set out in subsection (3) of this section are met:
- (a) a scooter;
 - (b) an upgraded component of a scooter;
 - (c) an accessory attached to a scooter.
- (3) The following are the requirements in relation to an item referred to in subsection (2) of this section:
- (a) an assessment by an occupational therapist or a physical therapist has confirmed that it is unlikely that the person for whom the scooter has been prescribed will have a medical need for a wheelchair during the 5 years following the assessment;
 - (b) the total cost of the scooter and any accessories attached to the scooter does not exceed \$3 500 or, if subsection (3.1) applies, \$4 500;
 - (c) the minister is satisfied that the item is medically essential to achieve or maintain basic mobility.
- (3.1) The maximum amount of \$4 500 under subsection (3) (b) applies if an assessment by an occupational therapist or a physical therapist has confirmed that the person for whom the scooter has been prescribed has a body weight that exceeds the weight capacity of a conventional scooter but can be accommodated by a bariatric scooter.
- (4) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (2) of this section is 5 years after the minister provided the item being replaced.
- (5) A scooter intended primarily for recreational or sports use is not a health supplement for the purposes of section 3 of this Schedule.

Medical equipment and devices – toileting, transfers and positioning aids**3.5** (0.1) In this section:

“**positioning chair**” does not include a lift chair;

“**transfer aid**” means a transfer board, transfer belt or slider sheet.

- (1) The following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to facilitate toileting or transfers of a person or to achieve or maintain a person’s positioning:
- (a) a grab bar in a bathroom;
 - (b) a bath or shower seat;
 - (c) a bath transfer bench with hand held shower;
 - (d) a tub slide;
 - (e) a bath lift;

- (f) a bed pan or urinal;
 - (g) a raised toilet seat;
 - (h) a toilet safety frame;
 - (i) a floor-to-ceiling pole in a bathroom or bedroom;
 - (j) a portable commode chair;
 - (k) a standing frame for a person for whom a wheelchair is medically essential to achieve or maintain basic mobility;
 - (l) a positioning chair for a person for whom a wheelchair is medically essential to achieve or maintain basic mobility;
 - (m) a transfer aid for a person for whom the transfer aid is medically essential to transfer from one position to another.
- (2) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (1) of this section is 5 years from the date on which the minister provided the item being replaced.

Medical equipment and devices – hospital bed

- 3.6** (1) Subject to subsection (3) of this section, the following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to facilitate transfers of a person to and from bed or to adjust or maintain a person's positioning in bed:
- (a) a hospital bed;
 - (b) an upgraded component of a hospital bed;
 - (c) an accessory attached to a hospital bed;
 - (d) a positioning item on a hospital bed.
- (2) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (1) of this section is 5 years from the date on which the minister provided the item being replaced.
- (3) The following items are not health supplements for the purposes of section 3 of this Schedule:
- (a) an automatic turning bed;
 - (b) a containment type bed.

Medical equipment and devices – pressure relief mattresses

- 3.7** (1) A pressure relief mattress is a health supplement for the purposes of section 3 of this Schedule if the minister is satisfied that the pressure relief mattress is medically essential to prevent skin breakdown and maintain skin integrity.
- (2) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (1) of this section is 5 years from the date on which the minister provided the item being replaced.

Medical equipment and devices – floor or ceiling lift devices

- 3.8** (1) In this section, “**floor or ceiling lift device**” means a device that stands on the floor or is attached to the ceiling and that uses a sling system to transfer a person.
- (2) A floor or ceiling lift device is a health supplement for the purposes of section 3 of this Schedule if the following requirements are met:
- (a) the minister is satisfied that the floor or ceiling lift device is medically essential to facilitate transfers of a person in a bedroom or a bathroom;
 - (b) the cost of the floor or ceiling lift device does not exceed \$4 200 or, if the cost of the floor or ceiling lift device does exceed \$4 200, the minister is satisfied that the excess cost is a result of unusual installation expenses.
- (3) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (2) of this section is 5 years from the date on which the minister provided the item being replaced.

Medical equipment and devices – breathing devices

- 3.9** (1) Subject to subsection (4) of this section, the following items are health supplements for the purposes of section 3 of this Schedule:
- (a) if all of the requirements set out in subsection (2) of this section are met,
 - (i) a positive airway pressure device,
 - (ii) an accessory that is required to operate a positive airway pressure device, or
 - (iii) a supply that is required to operate a positive airway pressure device;
 - (b) if the minister is satisfied that the item is medically essential to monitor breathing,
 - (i) an apnea monitor,
 - (ii) an accessory that is required to operate an apnea monitor, or
 - (iii) a supply that is required to operate an apnea monitor;
 - (c) if the minister is satisfied that the item is medically essential for clearing respiratory airways,
 - (i) a suction unit,
 - (ii) an accessory that is required to operate a suction unit, or
 - (iii) a supply that is required to operate a suction unit;
 - (d) if the minister is satisfied that the item is medically essential for clearing respiratory airways,
 - (i) a percussor,
 - (ii) an accessory that is required to operate a percussor, or
 - (iii) a supply that is required to operate a percussor;
 - (e) if the minister is satisfied that the item is medically essential to avoid an imminent and substantial danger to health,

- (i) a nebulizer,
 - (ii) an accessory that is required to operate a nebulizer, or
 - (iii) a supply that is required to operate a nebulizer;
 - (f) if the minister is satisfied that the item is medically essential to moisturize air in order to allow a tracheostomy patient to breathe,
 - (i) a medical humidifier,
 - (ii) an accessory that is required to operate a medical humidifier, or
 - (iii) a supply that is required to operate a medical humidifier;
 - (g) if the minister is satisfied that the item is medically essential to deliver medication,
 - (i) an inhaler accessory device,
 - (ii) an accessory that is required to operate an inhaler accessory device, or
 - (iii) a supply that is required to operate an inhaler accessory device.
- (2) The following are the requirements in relation to an item referred to in subsection (1) (a) of this section:
- (a) the item is prescribed by a medical practitioner or nurse practitioner;
 - (b) a respiratory therapist has performed an assessment that confirms the medical need for the item;
 - (c) the minister is satisfied that the item is medically essential for the treatment of moderate to severe sleep apnea.
- (3) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (1) of this section is as follows:
- (a) in the case of an item referred to in subsection (1) (a) (i), 5 years from the date on which the minister provided the item being replaced;
 - (b) in the case of an item referred to in subsection (1) (a) (ii) or (iii), one year from the date on which the minister provided the item being replaced;
 - (c) in the case of an apnea monitor, suction unit, percussor, nebulizer or medical humidifier, 5 years from the date on which the minister provided the item being replaced;
 - (d) in the case of an inhaler accessory device, one year from the date on which the minister provided the device being replaced;
 - (e) in the case of an accessory or supply for an item referred to in paragraph (c) or (d), one year from the date on which the minister provided the device being replaced.
- (4) A ventilator is not a health supplement for the purposes of section 3 of this Schedule.

Medical equipment and devices – orthoses**3.10** (1) In this section:

“off-the-shelf”, in relation to an orthosis, means a prefabricated, mass-produced orthosis that is not unique to a particular person;

“orthosis” means

- (a) a custom-made or off-the-shelf foot orthotic;
- (b) custom-made footwear;
- (c) a permanent modification to footwear;
- (d) off-the-shelf footwear required for the purpose set out in subsection (4.1) (a);
- (e) off-the-shelf orthopaedic footwear;
- (f) an ankle brace;
- (g) an ankle-foot orthosis;
- (h) a knee-ankle-foot orthosis;
- (i) a knee brace;
- (j) a hip brace;
- (k) an upper extremity brace;
- (l) a cranial helmet used for the purposes set out in subsection (7);
- (m) a torso or spine brace;
- (n) a foot abduction orthosis;
- (o) a toe orthosis;
- (p) a walking boot.

(2) Subject to subsections (3) to (11) of this section, an orthosis is a health supplement for the purposes of section 3 of this Schedule if

- (a) the orthosis is prescribed by a medical practitioner or a nurse practitioner,
- (b) the minister is satisfied that the orthosis is medically essential to achieve or maintain basic functionality,
- (c) the minister is satisfied that the orthosis is required for one or more of the following purposes:
 - (i) to prevent surgery;
 - (ii) for post-surgical care;
 - (iii) to assist in physical healing from surgery, injury or disease;
 - (iv) to improve physical functioning that has been impaired by a neuro-musculo-skeletal condition, and
- (d) the orthosis is off-the-shelf unless
 - (i) a medical practitioner or nurse practitioner confirms that a custom-made orthosis is medically required, and

- (ii) the custom-made orthosis is fitted by an orthotist, pedorthist, occupational therapist, physical therapist or podiatrist.
- (3) For an orthosis that is a custom-made foot orthotic, in addition to the requirements in subsection (2) of this section, all of the following requirements must be met:
 - (a) a medical practitioner or nurse practitioner confirms that a custom-made foot orthotic is medically required;
 - (b) the custom-made foot orthotic is fitted by an orthotist, pedorthist, occupational therapist, physical therapist or podiatrist;
 - (c) Repealed. [B.C. Reg. 144/2011, Sch. 2.]
 - (d) the custom-made foot orthotic must be made from a hand-cast mold;
 - (e) the cost of one pair of custom-made foot orthotics, including the assessment fee, must not exceed \$450.
- (4) For an orthosis that is custom-made footwear, in addition to the requirements in subsection (2) of this section, the cost of the custom-made footwear, including the assessment fee, must not exceed \$1 650.
- (4.1) For an orthosis that is off-the-shelf footwear, in addition to the requirements in subsection (2) of this section,
 - (a) the footwear is required to accommodate a custom-made orthosis, and
 - (b) the cost of the footwear must not exceed \$125.
- (4.2) For an orthosis that is off-the-shelf orthopaedic footwear, in addition to the requirements in subsection (2) of this section, the cost of the footwear must not exceed \$250.
- (5) For an orthosis that is a knee brace, in addition to the requirements in subsection (2) of this section, the medical practitioner or nurse practitioner who prescribed the knee brace must have recommended that the knee brace be worn at least 6 hours per day.
- (6) For an orthosis that is an upper extremity brace, in addition to the requirements in subsection (2) of this section, the upper extremity brace must be intended to provide hand, finger, wrist, elbow or shoulder support.
- (7) For an orthosis that is a cranial helmet, in addition to the requirements in subsection (2) of this section, the cranial helmet must be a helmet prescribed by a medical practitioner or nurse practitioner and recommended for daily use in cases of self abusive behaviour, seizure disorder, or to protect or facilitate healing of chronic wounds or cranial defects.
- (8) For an orthosis that is a torso or spine brace, in addition to the requirements in subsection (2) of this section, the brace must be intended to provide pelvic, lumbar, lumbar-sacral, thoracic-lumbar-sacral, cervical-thoracic-lumbar-sacral, or cervical spine support.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule C

- (9) Subject to section 3 of this Schedule, the limit on the number of orthoses that may be provided for the use of a person as a health supplement for the purposes of section 3 of this Schedule is the number set out in Column 2 of Table 1 opposite the description of the applicable orthosis in Column 1.

Table 1

Item	Column 1 Orthosis	Column 2 Limit
1	custom-made foot orthotic	1 or 1 pair
2	custom-made footwear	1 or 1 pair
3	modification to footwear	1 or 1 pair
4	ankle brace	1 per ankle
5	ankle-foot orthosis	1 per ankle
6	knee-ankle-foot orthosis	1 per leg
7	knee brace	1 per knee
8	hip brace	1
9	upper extremity brace	1 per hand, finger, wrist, elbow or shoulder
10	cranial helmet	1
11	torso or spine brace	1
12	off-the-shelf footwear	1 or 1 pair
13	off-the-shelf orthopaedic footwear	1 or 1 pair
14	foot abduction orthosis	1 or 1 pair
15	toe orthosis	1

- (10) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an orthosis is the number of years from the date on which the minister provided the orthosis being replaced that is set out in Column 2 of Table 2 opposite the description of the applicable orthosis in Column 1.

Table 2

Item	Column 1 Orthosis	Column 2 Time period
1	custom-made foot orthotic	3 years
2	custom-made footwear	1 year
3	modification to footwear	1 year
4	ankle brace	2 years
5	ankle-foot orthosis	2 years
6	knee-ankle-foot orthosis	2 years
7	knee brace	4 years
8	hip brace	2 years
9	upper extremity brace	2 years

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule C

Item	Column 1 Orthosis	Column 2 Time period
10	cranial helmet	2 years
11	torso or spine brace	2 years
12	off-the-shelf footwear	1 year
13	off-the-shelf orthopaedic footwear	1 year
14	toe orthosis	1 year

- (11) The following items are not health supplements for the purposes of section 3 of this Schedule:
- (a) a prosthetic and related supplies;
 - (b) a plaster or fiberglass cast;
 - (c) a hernia support;
 - (d) an abdominal support.
 - (e) Repealed. [B.C. Reg. 94/2018, App. 2, s. 1 (b).]
 - (f) Repealed. [B.C. Reg. 144/2011, Sch. 2.]
- (12) An accessory or supply that is medically essential to use an orthosis that is a health supplement under subsection (2) is a health supplement for the purposes of section 3 of this Schedule.

Medical equipment and devices – hearing instruments

- 3.11** (1) A hearing instrument is a health supplement for the purposes of section 3 of this Schedule if
- (a) the hearing instrument is prescribed by an audiologist or hearing instrument practitioner, and
 - (b) an audiologist or hearing instrument practitioner has performed an assessment that confirms the need for a hearing instrument.
- (2) The minister may provide a hearing instrument under this section only if the person is not receiving a hearing assistance supplement under section 70.02 of this regulation.

Medical equipment and devices – non-conventional glucose meters

- 3.12** (1) In this section, “non-conventional glucose meter” includes
- (a) a continuous glucose monitoring meter, and
 - (b) a talking glucose meter.
- (2) A non-conventional glucose meter is a health supplement for the purposes of section 3 of this Schedule if the minister is satisfied that
- (a) the glucose meter is medically essential to test blood glucose levels, and
 - (b) the person for whom the non-conventional glucose meter has been prescribed is unable to use a conventional glucose meter.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule C

- (3) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of a non-conventional glucose meter is 5 years from the date on which the minister provided the glucose meter being replaced.

Dental supplements

- 4** (1) In this section, “**period**” means
- (a) in respect of a person under 19 years of age, a 2 year period beginning on January 1, 2017, and on each subsequent January 1 in an odd numbered year, and
 - (b) in respect of a person not referred to in paragraph (a), a 2 year period beginning on January 1, 2003 and on each subsequent January 1 in an odd numbered year.
- (1.1) The health supplements that may be paid under section 63 [*dental supplements*] of this regulation are basic dental services to a maximum of
- (a) \$2 000 each period, if provided to a person under 19 years of age, and
 - (b) \$1 000 each period, if provided to a person not referred to in paragraph (a).
 - (c) Repealed. [B.C. Reg. 163/2005, s. (b).]
- (2) Dentures may be provided as a basic dental service only to a person
- (a) who has never worn dentures, or
 - (b) whose dentures are more than 5 years old.
- (3) The limits under subsection (1.1) may be exceeded by an amount necessary to provide dentures, taking into account the amount remaining to the person under those limits at the time the dentures are to be provided, if
- (a) a person requires a full upper denture, a full lower denture or both because of extractions made in the previous 6 months to relieve pain,
 - (b) a person requires a partial denture to replace at least 3 contiguous missing teeth on the same arch, at least one of which was extracted in the previous 6 months to relieve pain, or
 - (c) a person who has been a recipient of disability assistance or income assistance for at least 2 years or a dependant of that person requires replacement dentures.
- (4) Subsection (2) (b) does not apply with respect to a person described in subsection (3) (a) who has previously had a partial denture.
- (5) The dental supplements that may be provided to a person described in subsection (3) (b), or to a person described in subsection (3) (c) who requires a partial denture, are limited to services under
- (a) fee numbers 52101 to 52402 in the Schedule of Fee Allowances – Dentist referred to in paragraph (a) of the definition “basic dental service” in section 1 of this Schedule, or

- (b) fee numbers 41610, 41612, 41620 and 41622 in the Schedule of Fee Allowances – Denturist referred to in paragraph (b) of the definition “basic dental service” in section 1 of this Schedule.
- (6) The dental supplements that may be provided to a person described in subsection (3) (c) who requires the replacement of a full upper, a full lower denture or both are limited to services under
 - (a) fee numbers 51101 and 51102 in the Schedule of Fee Allowances – Dentist referred to in paragraph (a) of the definition “basic dental service” in section 1 of this Schedule, or
 - (b) fee numbers 31310, 31320 or 31330 in the Schedule of Fee Allowances – Denturist referred to in paragraph (b) of the definition “basic dental service” in section 1 of this Schedule.
- (7) A reline or a rebase of dentures may be provided as a basic dental service only to a person who has not had a reline or rebase of dentures for at least 2 years.

Crown and bridgework supplement

- 4.1** (1) In this section, “**crown and bridgework**” means a dental service
- (a) that is provided by a dentist,
 - (b) that is set out in the Schedule of Fee Allowances – Crown and Bridgework, that is effective April 1, 2010 and is published on the website of the ministry of the minister,
 - (c) that is provided at the rate set out for the service in that Schedule, and
 - (d) for which a person has received the pre-authorization of the minister.
- (2) A health supplement may be paid under section 63.1 of this regulation for crown and bridgework but only if the minister is of the opinion that the person has a dental condition that cannot be corrected through the provision of basic dental services because
- (a) the dental condition precludes the provision of the restorative services set out under the Restorative Services section of the Schedule of Fee Allowances – Dentist, and
 - (b) one of the following circumstances exists:
 - (i) the dental condition precludes the use of a removable prosthetic;
 - (ii) the person has a physical impairment that makes it impossible for the person to place a removable prosthetic;
 - (iii) the person has an allergic reaction or other intolerance to the composition or materials used in a removable prosthetic;
 - (iv) the person has a mental condition that makes it impossible for the person to assume responsibility for a removable prosthetic.
- (3) The minister must also be satisfied that a health supplement for crown and bridgework will be adequate to correct the dental condition.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule C

- (4) A health supplement for crown and bridgework may not be provided in respect of the same tooth more than once in any period of 60 calendar months.

Denture supplements

- 4.2** The health supplements that may be provided under section 63.2 [*denture supplement*] of this regulation are denture services.

Emergency dental supplements

- 5** The health supplements that may be paid for under section 64 [*emergency dental and denture supplements*] of this regulation are emergency dental services.

Diet supplements

- 6** (1) The amount of a diet supplement that may be provided under section 66 [*diet supplements*] of this regulation is as follows:
- (a) \$10 for each calendar month for a person who requires a restricted sodium diet;
 - (b) \$35 for each calendar month for a person who has diabetes;
 - (c) \$30 for each calendar month for a person who requires kidney dialysis if the person is not eligible under the kidney dialysis service provided by the Ministry of Health Services;
 - (d) \$40 for each calendar month for a person who requires a high protein diet;
 - (e) \$40 for each calendar month for a person who requires a gluten-free diet;
 - (f) \$40 for each calendar month for a person who has dysphagia;
 - (g) \$50 for each calendar month for a person who has cystic fibrosis;
 - (h) \$40 for each calendar month for which a person requires a ketogenic diet;
 - (i) \$40 for each calendar month for which a person requires a low phenylalanine diet.
- (2) A diet supplement under subsection (1) (d) may only be provided if the diet is confirmed by a medical practitioner, nurse practitioner or dietitian as being necessary for one of the following medical conditions:
- (a) cancer that requires nutritional support during
 - (i) radiation therapy,
 - (ii) chemotherapy,
 - (iii) surgical therapy, or
 - (iv) ongoing medical treatment;
 - (b) chronic inflammatory bowel disease;
 - (c) Crohn's disease;
 - (d) ulcerative colitis;
 - (e) HIV positive diagnosis;
 - (f) AIDS;

- (g) chronic bacterial infection;
 - (h) tuberculosis;
 - (i) hyperthyroidism;
 - (j) osteoporosis;
 - (k) hepatitis B;
 - (l) hepatitis C.
- (3) A person who is eligible for a supplement under subsection (1) (d) or (f) is also eligible for a \$30 payment towards the purchase of a blender.
- (4) If a person has more than one of the medical conditions set out in subsection (1), the person may receive only the amount of the highest diet supplement for which the person is eligible.

Monthly nutritional supplement

- 7 The amount of a nutritional supplement that may be provided under section 67 [*nutritional supplement*] of this regulation is the sum of the amounts for those of the following items specified as required in the request under section 67 (1) (c):
- (a) for additional nutritional items that are part of a caloric supplementation to a regular dietary intake, up to \$165 each month;
 - (b) Repealed. [B.C. Reg. 68/2010, s. 3 (b).]
 - (c) for vitamins and minerals, up to \$40 each month.

Natal supplement

- 8 The amount of a natal supplement that may be provided under section 68 [*natal supplement*] of this regulation is
- (a) \$45 for each calendar month for a period set out in section 68 (2), or
 - (b) \$90 for each calendar month for a period set out in section 68 (2) if the person
 - (i) is pregnant with more than one child, as confirmed in writing by a medical practitioner, a nurse practitioner or a midwife, or
 - (ii) gives birth to more than one child.

Infant formula

- 9 The minister may provide infant formula under section 67.1 of this regulation if
- (a) a medical practitioner, nurse practitioner or dietitian confirms in writing that
 - (i) the dependent child for whom a specialized infant formula is to be provided has a medical condition and the specialized infant formula is necessary to treat the medical condition, or

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule C

- (ii) the dependent child for whom the infant formula is to be provided is at risk of contracting a disease that is transmissible through the mother's breast milk,
- (b) in the case of a dependent child described by paragraph (a) (ii), the dependent child is under 12 months of age, and
- (c) the minister is satisfied that the infant formula is medically required to treat the medical condition or respond to the risk referred to in paragraph (a).

10 Repealed. [B.C. Reg. 145/2015, Sch. 2, s. 16.]

Alternative hearing assistance supplement

- 11**
- (1) In this section, **“profound hearing loss”** means a hearing loss of 91 decibels or greater across all frequencies tested in an audiological assessment.
 - (2) The amount of a hearing supplement that may be provided under section 70.02 of this regulation is \$100 per calendar month to or for each person in a family unit to whom subsection (3) of this section applies.
 - (3) The hearing supplement under subsection (2) may be provided by the minister only if
 - (a) the minister is satisfied that the person
 - (i) has permanent profound hearing loss in both ears, and
 - (ii) cannot benefit significantly, in respect of speech comprehension, from a hearing instrument, and
 - (b) an audiologist or hearing instrument practitioner, within the previous 12 months, has
 - (i) performed an assessment that confirms the permanent profound hearing loss in both ears, and
 - (ii) provided an opinion that the person cannot benefit significantly, in respect of speech comprehension, from a hearing instrument.
 - (4) The hearing supplement under subsection (2) may not be provided if a person received a hearing instrument under section 3.11 of this Schedule, or from another source, in the previous 36 months.
 - (5) Despite subsection (4), the hearing supplement under subsection (2) may be provided to or for a person who received a hearing instrument in the previous 36 months if the person did not meet the requirements set out in subsection (3) on the date the person received the hearing instrument but subsequently meets the requirements in subsection (3).

SCHEDULE D

[am. B.C. Regs. 58/2003, s. 2; 115/2003, Sch. 2, s. 3; 209/2003, Sch. 2, s. 3; 286/2003, s. 2 (c); 461/2003, s. 2 (b); 276/2004, s. 2 (c); 521/2004, s. 4; 22/2005, Sch. s. 2 (c); 292/2005, s. 2 (b); 305/2005, Sch. 2, s. 3; 306/2005, s. 7; 192/2006, s. 10; 58/2007, s. 2; 195/2007, s. 6; 313/2007, s. 2 (g); 363/2007, s. (c); 48/2008, s. 2 (c); 87/2008, s. 2 (c); 94/2008, s. 2 (c); 4/2010, s. 3; 48/2010, Sch. 1, s. 2 (c) and (e); 180/2010, s. 2; 242/2010, s. 6; 32/2012, Sch. 4, s. 2; 85/2012, Sch. 2, s. 12; 197/2012, Sch. 2, ss. 24 and 25; 31/2014, Sch. 2, s. 3; 172/2014, Sch. 2, s. 3; 41/2015, Sch. 2, s. 4; 73/2015, App. 4, s. 2; 148/2015, App. 2, s. 2; 204/2015, App. 2, s. 6; 81/2016, App. B, s. 2; 175/2016, App. 1, s. 17; 283/2016, Sch. 2, s. 4; 95/2017, s. 4; 96/2017, App. 2, s. 3; 34/2017, App. 2, ss. 10 to 17; 179/2017, App. 2, s. 3; 153/2017, App. 2, s. 2; 193/2017, s. 13; 150/2018, s. 2 (c); 151/2018, App. 2, s. 11; 189/2018, App. 2, s. 1 (c); 19/2019, App. 2, s. 1 (c); 32/2019, App. 2, s. 2; 226/2019, App. 2, s. 3; 270/2019, App. 2, s. 25; 35/2020, App. 2, s. 8; 259/2020, App. 2, s. 4; 268/2020, App. 2, s. 5; 278/2020, App. 2, s. 3; 21/2021, App. 2, s. 1 (c); 108/2021, App. 2, s. 5; 232/2021, Sch. 2, s. 3; 233/2021, App. 4, ss. 2 to 4; 189/2021, App. 4; 303/2021, Sch. 2, s. 3.]

HARDSHIP ASSISTANCE**No entitlement to a specific amount of hardship assistance**

- 1 (1) The minister may provide a family unit that is eligible for hardship assistance under Part 4 of this regulation an amount not exceeding the amounts authorized by this Schedule.
- (2) Subject to subsection (1), the actual amount of hardship assistance to be provided under this Schedule is in the discretion of the minister based on the financial need of the applicant's family unit.
- (3) Nothing in this Schedule or in Part 4 of this regulation entitles a family unit to a specific amount of hardship assistance.

Maximum amounts of hardship assistance

- 2 (0.1) In this section:

“backdated Canada child benefit payment”, in relation to a child benefits cheque, means the portion of the cheque, if any, attributable to the Canada child benefit for one or more calendar months preceding the calendar month in which the cheque is issued;

“backdated family bonus payment”, in relation to a child benefits cheque, means the portion of the cheque, if any, attributable to the family bonus for one or more calendar months preceding the calendar month in which the cheque is issued;

“supplement” means a supplement referred to in section 59 [*supplement for delayed, suspended or cancelled family bonus*] or 59.1 [*supplement for delayed, suspended or cancelled Canada child benefit*] of this regulation.

- (1) The maximum amount that the minister may provide to a family unit that is eligible for hardship assistance under Part 4 of this regulation is the difference between
 - (a) the amount that is
 - (i) the sum of
 - (A) the support allowance under Table 1 that applies to the applicant's family unit,
 - (B) the shelter allowance as calculated under section 4, and

- (C) any adjustment applicable under subsection (2), or
 - (ii) calculated in accordance with section 5, and
- (b) the sum of
 - (i) the net income of the applicant's family unit, and
 - (ii) the value of the assets of the family unit that are immediately available to meet basic needs.
- (2) If the family unit includes one or more dependent children, the support allowance for the family unit for a calendar month may be increased by an amount equal to
 - (a) the total BC child adjustment amount for all dependent children in the family unit, minus
 - (b) the sum of
 - (i) the family bonus, if any, paid to the family unit for the preceding month,
 - (ii) the Canada child benefit, if any, paid to the family unit for the preceding month in respect of dependent children in the family unit, up to a maximum of the BC child adjustment amount in respect of those dependent children, and
 - (iii) the total amount of the supplements, if any, provided to or for the family unit under section 59 [*supplement for delayed, suspended or cancelled family bonus*] or 59.1 [*supplement for delayed, suspended or cancelled Canada child benefit*] of this regulation for the current calendar month.
- (2.1) If the amount calculated under subsection (2) is less than zero, it is deemed to be zero for the purposes of this section.
- (3) In calculating the adjustment under subsection (2), an amount that, under the *Income Tax Act* (British Columbia) or the *Income Tax Act* (Canada), is deducted or set off from the family bonus or the Canada child benefit must be treated as if it were paid to a person in the family unit.
- (4) The support allowance under Table 1 for a calendar month may not be increased under subsection (2) if a person in the family unit refuses to
 - (a) apply for the family bonus or the Canada child benefit for the preceding calendar month, or
 - (b) accept the family bonus or the Canada child benefit for the preceding calendar monthin respect of a dependent child in the family unit who is, or may be, a qualified dependant within the meaning of the *Income Tax Act* (Canada).
- (5) Repealed. [B.C. Reg. 270/2019, App. 2, s. 25 (b).]
- (6) In subsection (1), “**net income**” means the amount of unearned income, plus the amount of earned income minus deductions for

- (a) income tax,
 - (b) employment insurance,
 - (c) medical insurance,
 - (d) *Canada Pension Plan*,
 - (e) superannuation,
 - (f) company pension plan, and
 - (g) union dues.
- (7) If a person in the applicant's or recipient's family unit receives a backdated family bonus payment or a backdated Canada child benefit payment and all or part of the payment is attributable to one or more calendar months for which the family unit was also provided with a supplement, the lesser of the following amounts must be treated as unearned income:
- (a) the portion of the backdated family bonus payment or the backdated Canada child benefit payment, as applicable, that is attributable to those calendar months for which the family unit was provided with a supplement;
 - (b) the sum of the supplements that are attributable to those calendar months for which the family unit received the backdated family bonus payment or the backdated Canada child benefit payment, as applicable.
- (8) For the purposes of subsection (7), an amount that, under the *Income Tax Act* (British Columbia) or the *Income Tax Act* (Canada), is deducted or set off from a family bonus or a Canada child benefit must be treated as paid to a person in the applicant's family unit.
- (9) Subsection (7) does not apply to an amount included in that portion of a child benefits cheque attributable to family bonus or Canada child benefit
- (a) to replace a lost or stolen cheque for which an amount was advanced under section 58 [*advance for lost or stolen family bonus cheque*] or 58.1 [*advance for lost or stolen child benefits cheque – Canada child benefit*] of this regulation, or
 - (b) to replace a cheque for which no amount was advanced under section 58 [*advance for lost or stolen family bonus cheque*] or 58.1 [*advance for lost or stolen child benefits cheque – Canada child benefit*] of this regulation if the replacement is received in the calendar month following the calendar month for which the lost or stolen cheque was issued.
- (c) Repealed. [B.C. Reg. 48/2010, Sch. 1, s. 2 (e).]
- (10) Despite subsections (1) to (9), hardship assistance may not be provided in respect of a dependent child if support for that child is provided under section 8 (2) or 93 (1) (g) (ii) of the *Child, Family and Community Service Act*.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule D

Purpose of support allowance

- 3** Any amount provided under this Schedule for support is intended to be used by the recipient to meet the food and clothing needs of the family unit.

Maximum shelter allowance

- 4** (1) An applicant is eligible for a shelter allowance for the applicant's family unit not exceeding the smaller of
- (a) the family unit's actual shelter costs, as calculated in accordance with sections 4 (5) [*monthly shelter allowance*] and 5 [*how actual shelter costs are calculated*] of Schedule A, and
 - (b) the maximum set out in Table 2 for the applicable family unit size.
- (2) If
- (a) applicants in a family unit complete and submit an application for disability assistance (part 2) form or an alternate application for disability assistance form, and
 - (b) for the calendar month that includes the disability assistance application date, a portion of the shelter costs for that family unit has been paid,
- the applicants may receive a shelter allowance under this Schedule of not more than the portion of the rent for that calendar month that remains unpaid on that date.
- (3) If the size of an applicant's family unit exceeds 10 persons, the shelter allowance for the applicant's family unit as calculated under subsection (1) may be increased by a maximum of \$50 for each person by which the family unit exceeds 10.

Calculation of maximum amounts

- 5** The following provisions apply, with the necessary modifications, to the calculation of the maximum support and shelter allowances for an applicant under this Schedule:
- (a) and (b) Repealed. [B.C. Reg. 270/2019, App. 2, s. 25 (e).]
 - (c) section 6 of Schedule A;
 - (c.1) section 8 of Schedule A;
 - (d) section 9 of Schedule A.

Exempt income and assets

- 6** No deduction is to be made for the following when calculating the maximum amount of hardship assistance for which an applicant's family unit is eligible under section 2 of this Schedule:
- (a) any earned income of a dependent child attending school on a full-time basis;
 - (b) Repealed. [B.C. Reg. 48/2010, Sch. 1, s. 2 (c).]

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule D

- (c) a family bonus, except the portion treated as unearned income under section 2 (7) of this Schedule;
- (c.1) the Canada child benefit, except the portion treated as unearned income under section 2 (7) of this Schedule;
- (d) Repealed. [B.C. Reg. 313/2007, s. 2 (g).]
- (e) a goods and services tax credit under the *Income Tax Act* (Canada);
- (f) a tax credit under section 8 [*refundable sales tax credit*], 8.1 [*climate action tax credit*] or 8.2 [*BC harmonized sales tax credit*] of the *Income Tax Act* (British Columbia);
- (g) individual redress payments granted by the government of Canada to a person of Japanese ancestry;
- (h) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;
- (i) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus or to the surviving spouse or dependent children of that person;
- (j) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;
- (k) money that is
 - (i) paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or
 - (ii) paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry;
- (k.1) money that is paid or payable to or for a person if the payment is in accordance with the settlement under the Final Settlement Agreement and Supplementary Agreement approved by the Federal Court June 22, 2018 in Court File No. T-370-17, *Todd Edward Ross et al. v. Her Majesty the Queen*;
- (k.2) money that is paid or payable to or for a person if the payment is in accordance with the settlement under the Final Settlement Agreement approved by the Federal Court January 30, 2019 in Court File No. T-1068-14, *Raymond Michael Toth v. Her Majesty the Queen*;
- (l) money paid or payable under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid or payable under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
- (m) a rent subsidy provided by the provincial government, or by a council, board, society or governmental agency that administers rent subsidies from the provincial government;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule D

- (n) an income tax refund, or part of an income tax refund, that arises by reason of a payment made by the government of British Columbia to the government of Canada on behalf of a person who incurred a tax liability due to income received under the Forest Worker Transition Program;
- (o) money paid or payable to a person in settlement of a claim of abuse at an Indian residential school, except money paid or payable as income replacement in the settlement;
- (o.1) money that is paid or payable to or for a person if the payment is in accordance with
 - (i) the Sixties Scoop Settlement made November 30, 2017, or
 - (ii) the Federal Indian Day Schools Settlement made March 12, 2019, as amended May 13, 2019;
- (p) financial assistance payments provided under Part 6 of the Adoption Regulation, B.C. Reg. 291/96;
- (q) a rebate of energy or fuel tax provided by the government of Canada, the government of British Columbia, or an agency of either government;
- (r) money paid by the government of British Columbia, under a written agreement, to a person with disabilities or to a trustee for the benefit of a person with disabilities to enable the person with disabilities to live in the community instead of in an institution;
- (s) the portion of Canada Pension Plan Benefits that is calculated by the formula $(A-B) \times C$, where
 - A = the gross monthly amount of Canada Pension Plan Benefits received by an applicant or recipient;
 - B =
 - (i) in respect of a family unit comprised of a sole applicant or a sole recipient with no dependent children, 1/12 of the amount determined under section 118 (1) (c) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act, or
 - (ii) in respect of any other family unit, the amount under subparagraph (i), plus 1/12 of the amount resulting from the calculation under section 118 (1) (a) (ii) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act;
 - C = the sum of the percentages of taxable amounts set out under section 117 (2) (a) of the *Income Tax Act* (Canada) and section 4.1 (1) (a) of the *Income Tax Act*;
- (t) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 12.]
- (u) payments granted by the government of British Columbia under section 8 [*agreement with child's kin and others*] of the *Child, Family and Community Service Act*;
- (v) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule D

- (w) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 12.]
- (x) payments granted by the government of British Columbia under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*, for contributions to the support of a child;
- (y) a child disability benefit;
- (z) payments granted by the government of British Columbia under the Ministry of Children and Family Development's
 - (i) Autism Funding: Under Age 6 Program, or
 - (ii) Autism Funding: Ages 6 – 18 Program;
- (aa) a refund provided under Plan I as established under the Drug Plans Regulation;
- (bb) funds held in a registered education savings plan;
- (cc) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills program, or a supported work placement program, approved by Community Living BC;
- (dd) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990, except money paid under that agreement as income replacement;
- (ee) funds held in, or money withdrawn from, a registered disability savings plan;
- (ff) a working income tax benefit provided under the *Income Tax Act* (Canada);
- (gg) Repealed. [B.C. Reg. 180/2010, s. 2 (b).]
- (hh) the climate action dividend under section 13.02 of the *Income Tax Act*;
- (ii) money paid or payable to a person under the *Criminal Injury Compensation Act* as compensation for non-pecuniary loss or damage for pain, suffering mental or emotional trauma, humiliation or inconvenience that occurred when the person was under 19 years of age;
- (jj) money that is paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. S024338, Vancouver Registry;
- (kk) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Family Support Services program;
- (ll) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Supported Child Development program;
- (mm) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Aboriginal Supported Child Development program;

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule D

- (nn) the basic child tax benefit;
- (oo) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act* (Canada);
- (pp) the BC earned income benefit;
- (qq) money paid or payable from a fund that is established by the government of British Columbia, the government of Canada and the City of Vancouver in relation to recommendation 3.2 of the final report of the Missing Women Commission of Inquiry;
- (rr) payments granted by the government of British Columbia under the Temporary Education Support for Parents program;
- (ss) a BC early childhood tax benefit;
- (ss.1) a BC child opportunity benefit;
- (tt) child support;
- (uu) orphan's benefits under the *Canada Pension Plan Act* (Canada);
- (vv) gifts;
- (ww) money or other value received, by will or as the result of intestacy, from the estate of a deceased person;
- (xx) education and training allowances, grants, bursaries, or scholarships, other than student financial assistance;
- (yy) money withdrawn from a registered education savings plan;
- (zz) compensation paid or payable under Division 5 [*Compensation in Relation to Death of Worker*] of Part 4 [*Compensation to Injured Workers and Their Dependants*] or section 225 [*compensation in relation to worker death before July 1, 1974*] of the *Workers Compensation Act* to a dependant, as defined in section 1 of that Act, who is a child, as defined in section 165 (1) of that Act;
- (aaa) money that is paid or payable by or for Community Living BC to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by Community Living BC, an employee of Community Living BC or a person retained under a contract to perform services for Community Living BC;
- (bbb) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by the minister, the ministry, an employee of the ministry or a person retained under a contract to perform services for the ministry;
- (bbb.1) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury,

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATIONSchedule D

- loss or damage caused by the Minister of Children and Family Development, that ministry, an employee of that ministry or a person retained under a contract to perform services for that ministry;
- (bbb.2) money that is paid or payable by the government of British Columbia to or for a person because the person was a resident of Woodlands School;
- (ccc) a disabled contributor's child's benefit paid or payable under the *Canada Pension Plan*;
- (ddd) payments granted under an agreement referred to in section 94 of the *Child, Family and Community Service Act*;
- (eee) money that is paid or payable, in respect of a child, from property that comes into the control of, or is held by, the Public Guardian and Trustee;
- (fff) money that is paid or payable from a settlement in respect of Treaty No. 8 agricultural benefits;
- (ggg) money that is paid or payable from a settlement under
- (i) the Cadboro Bay Litigation Settlement Agreement, dated for reference November 1, 2017, between the Esquimalt Nation and Canada, or
 - (ii) the settlement agreement, dated for reference October 30, 2017, between the Songhees Nation and Canada;
- (hhh) money that is paid or payable under the Memorial Grant Program for First Responders established under the authority of the *Department of Public Safety and Emergency Preparedness Act* (Canada);
- (iii) money, or goods or services in kind, received or to be received by a participant in the Ministry of Social Development and Poverty Reduction's Work Experience Opportunities Grant program from a grant under the program;
- (jjj) a rebate of all or part of a premium paid to the Insurance Corporation of British Columbia under the *Insurance (Vehicle) Act* and the plan operated under that Act;
- (kkk) an amount that is paid or payable, as a single payment or series of payments, as follows:
- (i) the amount is paid or payable by a person who is or was a landlord, owner or manager, or a person who holds or held a similar position, in relation to leased, rented or licensed residential premises, whether or not the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act* applies to that premises;
 - (ii) the amount is paid or payable to a person who is or was a tenant, lessee, licensee or occupant, or a person who has or had a similar right or permission to use the premises for residential purposes;
 - (iii) the amount is paid or payable as full or partial compensation for loss of the residential use of the premises, including for eviction,

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule D

relocation, demolition, temporary displacement during repair, renovation or redevelopment, or as an inducement to cease or suspend residential use;

- (iv) the amount is paid or payable under an enactment, a policy or a contract, or voluntarily or at the discretion of the person referred to in subparagraph (i);
- (lll) money that is paid or is payable to or for a person from a settlement under the Williams Treaties Settlement Agreement signed August 22, 2018;
- (mmm) money that is paid or is payable to or for a person from a settlement under the Missanabie Cree First Nation Treaty Land Entitlement Settlement Agreement signed April 24, 2020;
- (nnn) money that is paid or is payable to or for a person from a settlement under the Peepeekisis Cree Nation File Hills Colony Specific Claim Settlement Agreement signed March 23, 2021;
- (ooo) money that is paid or is payable to or for a person from a settlement under an agreement to settle claims relating to the transfer of the Seabird Island Indian Reserve in 1959 by the Government of Canada to the Seabird Island Band and the distribution of shared trust funds on a per capita basis.

Table 1*(sections 1 to 6 of Schedule D)*

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of Support (\$)
1	Sole applicant / recipient and no dependent children	Applicant / recipient is a person with disabilities	\$983.50
2	Sole applicant / recipient and one or more dependent children	Applicant / recipient is a person with disabilities	\$1 133.50
3	Two applicants / recipients and no dependent children	One applicant / recipient is a person with disabilities, the other is not a person with disabilities and is under 65 years of age	\$1 378.50
4	Two applicants / recipients and no dependent children	Both applicants / recipients are persons with disabilities	\$1 853.50
5	Two applicants / recipients and no dependent children	One applicant / recipient is a person with disabilities, the other is not a person with disabilities and is 65 or more years of age	\$1 628.50
6	Two applicants / recipients and one or more dependent children	One applicant / recipient is a person with disabilities, the other is not a person with disabilities and is under 65 years of age	\$1 478.50

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Schedule D

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of Support (\$)
7	Two applicants / recipients and one or more dependent children	Both applicants / recipients are persons with disabilities	\$1 953.50
8	Two applicants / recipients and one or more dependent children	One applicant / recipient is a person with disabilities, the other is not a person with disabilities and is 65 or more years of age	\$1 728.50

Table 2*(sections 1 to 6 of Schedule D)*

Item	Column 1 Family Unit Size	Column 2 Maximum Monthly Shelter
1	1 person	\$375
2	2 persons	\$570
3	3 persons	\$665
4	4 persons	\$715
5	5 persons	\$765
6	6 persons	\$815
7	7 persons	\$865
8	8 persons	\$915
9	9 persons	\$965
10	10 persons	\$1 015