



Child Care Subsidy Act

CHILD CARE SUBSIDY REGULATION

B.C. Reg. 74/97

Deposited March 13, 1997 and effective March 31, 1997

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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

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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.

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Contents

| | | |
|-------------------|--------------------------------------------------------------------------------------|-----------|
| 1 | Definitions | 1 |
| 2 | What types of child care may be subsidized? | 4 |
| 3 | Circumstances in which subsidy may be provided | 5 |
| 4 | How to apply for a subsidy | 6 |
| 5 | Citizenship requirements | 6 |
| 6 | Residency requirement | 6 |
| 7 | Income test | 6 |
| 8 | Amount of subsidy | 7 |
| 9 | How monthly net income is calculated | 8 |
| 9.1 – 9.2 | [Repealed] | 11 |
| 10 | How child’s threshold is calculated | 11 |
| 11 | If a child needs more than one type of child care | 12 |
| 11.1 | Access to preschool | 12 |
| 12 | Applicant must be notified of outcome | 12 |
| 13 | Will a subsidy be paid for child care provided before completion of the application? | 12 |
| 14 | Notifying the minister of change in circumstances | 13 |
| 15 | Accounts and payment | 13 |
| 16 | If a child is absent or is withdrawn without notice | 13 |
| 17 | Reconsideration of decisions | 14 |
| 18 | Status of decisions pending appeal | 15 |
| 19 | Prescribed Acts | 15 |
| 20 | [Repealed] | 15 |
| SCHEDULE A | | 15 |

Point in time from July 1, 2017 to June 30, 2018

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Definitions

- 1** (1) In this regulation:
- “**Act**” means the *Child Care Subsidy Act*;
 - “**applicant**” means a parent who applies under section 4 for a child care subsidy;
 - “**basic child tax benefit**” means the Canada child tax benefit exclusive of that portion attributed to the national child benefit supplement;
 - “**BC basic family bonus**” means an amount under section 10 (3) (a) of the *Income Tax Act* (British Columbia);
 - “**BC earned income benefit**” means an amount under section 10 (3) (b) of the *Income Tax Act* (British Columbia);
 - “**business day**” means a day other than Saturday, Sunday or another holiday listed in the *Interpretation 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;
 - “**care surrounding school day**” means, for children of school age, the provision of child care that
 - (a) begins no earlier than 6 a.m. and ends no later than 7 p.m., and
 - (b) takes place on
 - (i) any one of the days in session, or
 - (ii) Good Friday, Easter Monday, Victoria Day, Labour Day, Remembrance Day or Thanksgiving Day;
 - “**child**” means an unmarried person under 19 years of age;
 - “**Child Care Subsidy Service Centre**” means the government office responsible for administering payment of child care subsidies under the Act;
 - “**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 with special needs**” means a child
 - (a) who has a physical, intellectual, emotional, communicative or behavioral impairment, and
 - (b) who, in the minister’s opinion, requires additional support services because of that impairment;

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- “**child’s threshold**” means the threshold income level calculated for a child under section 10 (1);
- “**days in session**” has the same meaning as in the School Calendar Regulation, B.C. Reg. 314/2012;
- “**dependant**”, in relation to a parent, means anyone who resides with the parent and who
- (a) is the spouse of the parent,
 - (b) is a dependent child of the parent,
 - (c) shares with the parent income or assets or any necessities of life obtained with the income or assets, or
 - (d) indicates a parental role for the parent’s child;
- “**dependent child**” means a child who resides in the parent’s place of residence and relies on the parent for the necessities of life, but does not include a child who is 18 years of age and is a person with disabilities;
- “**employment income**” means income arising from employment, but does not include any amount deducted at source for
- (a) income tax,
 - (b) employment insurance,
 - (c) medical insurance,
 - (d) Canada Pension Plan,
 - (e) superannuation,
 - (f) company pension plan, or
 - (g) union dues;
- “**employment-related program**” means a program
- (a) delivered for the purpose of assisting unemployed, or underemployed, persons to search for, overcome barriers to, train for or obtain employment or self-employment, and
 - (b) in which a person participates for a specified period of time or until that person obtains employment or self-employment;
- “**family**” means a parent and the parent’s dependants;
- “**family bonus**” means an amount consisting of the sum of the BC basic family bonus and the national child benefit supplement;
- “**family’s monthly net income**” means the monthly net income calculated for a family under section 9;
- “**licence-not-required child care setting**” means a child care setting that
- (a) is in the home of the primary caregiver,
 - (b) need not be licensed under the *Community Care and Assisted Living Act*, and

(c) is not registered under the Child Care Resource and Referral Program in accordance with the standards specified in the Child Care Resource and Referral Program Standards Manual that is on file with the office of the Deputy Minister,

but does not include the family home of a child being cared for in the setting;

“licensed child care setting” means a facility operating under a licence issued under section 11 of the *Community Care and Assisted Living Act* and providing any of the following programs as set out in section 2 of the Child Care Licensing Regulation, B.C. Reg. 332/2007:

- (a) Group Child Care (Under 36 Months);
- (b) Group Child Care (30 Months to School Age);
- (c) Preschool (30 Months to School Age);
- (d) Group Child Care (School Age);
- (e) Family Child Care;
- (f) Multi-Age Child Care;
- (g) In-Home Multi-Age Child Care;

“licensed preschool” means a preschool described in paragraph (c) of the definition of “licensed child care setting”;

“minister”, in relation to a power, duty or function that the minister has delegated under section 12 of the Act to another person, includes that other person;

“month” means a calendar month;

“national child benefit supplement” means 1/12 of the amount of the portion “C” in the formula $1/12 [(A-B)+C]$ as set out in section 122.61 of the *Income Tax Act* (Canada) as it read before July 1, 2016;

“permitted operating expenses” means costs, charges and expenses incurred by a person in self-employment for the following:

- (a) purchase of supplies and products;
- (b) accounting and legal services;
- (c) advertising;
- (d) taxes, fees, licences and dues incurred in self-employment;
- (e) business insurance;
- (f) charges imposed by a savings institution on an account and interest;
- (g) maintenance and repairs to equipment;
- (h) gross wages paid to employees of a person who is self-employed, other than wages paid by that person to his or her family;
- (i) motor vehicle expenses;
- (j) employer contributions to an employee benefit program;
- (k) rent and utilities;

(l) office expenses;

“person with disabilities” means a person who is 18 years of age or older and is approved for receipt of, or is receiving, benefits or services under a program of a provincial or the federal government to assist the person to perform daily living activities because that person’s capacity to perform those activities is restricted by his or her physical or mental impairment;

“registered licence-not-required child care setting” means a child care setting that

- (a) is in the home of the primary caregiver,
- (b) need not be licensed under the *Community Care and Assisted Living Act*, and
- (c) is registered under the Child Care Resource and Referral Program in accordance with the standards specified in the Child Care Resource and Referral Program Standards Manual that is on file with the office of the Deputy Minister,

but does not include the family home of a child being cared for in the setting;

“school age”, except in the definition of “licensed child care setting”, means school age as determined under subsection (2);

“school year” means the period commencing on July 1 and ending on the following June 30;

“self-employment income” means any income earned from self-employment but does not include any amount deducted for permitted operating expenses;

“spouse”, in relation to a parent, means anyone who

- (a) is married to the parent, or
- (b) is living with the parent in a marriage-like relationship;

“Young Parent Program” means a child care program located at or near a secondary school which provides child care for children of parents completing their secondary education and which is recognized by the minister as a Young Parent Program.

(2) A person is deemed

- (a) to be of school age beginning on September 1 in a school year if the person will have reached age 5 on or before December 31 of that school year, and
- (b) to continue to be of school age until the end of the school year in which the person reaches age 19.

[am. B.C. Regs. 234/98, s. 1; 427/99, s. 1; 346/2000; 57/2002, s. 1; 262/2002, s. 2; 200/2004, s. 1; 387/2004, s. 1; 493/2004, s. 1; 121/2005, s. 1; 281/2005, s. 1; 187/2007, s. (a); 337/2008, ss. 1 and 2; 145/2011, s. 1; 143/2012, s. 1; 353/2012, s. 1; 84/2016, s. 1; 87/2017, s. 1.]

What types of child care may be subsidized?

2 The minister may pay a child care subsidy if the child care is provided

- (a) in a licensed child care setting,

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- (b) in a licence-not-required child care setting,
 - (b.1) in a registered licence-not-required child care setting, or
 - (c) in the child's own home, but only if the child care is provided by someone other than a person who
 - (i) is a relative of the child or a dependant of the parent, and
 - (ii) resides in the child's home.

[am. B.C. Reg. 281/2005, s. 2.]

Circumstances in which subsidy may be provided

- 3** (1) The minister may pay a child care subsidy only if
- (a) the minister is satisfied that the child care is needed for one of the reasons set out in subsection (2),
 - (b) the child care is arranged or recommended under the *Child, Family and Community Service Act*, or
 - (c) the child care is recommended under the *Community Living Authority Act* in respect of a child who has a parent approved for or receiving community living support under the *Community Living Authority Act* and the minister is satisfied that the child care is needed.
- (2) For the purpose of subsection (1) (a), the child care must be needed for one of the following reasons:
- (a) in a single parent family, because the parent
 - (i) is employed or self-employed,
 - (ii) attends an educational institution,
 - (iii) is seeking employment or participating in an employment-related program, or
 - (iv) has a medical condition that interferes with the parent's ability to care for his or her child;
 - (b) in a two parent family, because
 - (i) each parent is employed or self-employed, attends an educational institution or participates in an employment-related program,
 - (ii) one parent is engaged in an activity listed in subparagraph (i) and the other is seeking employment,
 - (iii) one parent is engaged in an activity listed in subparagraph (i) and the other parent has a medical condition that interferes with that parent's ability to care for his or her child, or
 - (iv) Repealed. [B.C. Reg. 57/2002, s. 2 (b).]
 - (v) each parent has a medical condition that interferes with their ability to care for their child.
- (3) Repealed. [B.C. Reg. 57/2002, s. 2 (b).]

- (4) The restriction in subsection (1) (a) does not apply in respect of child care provided in a licensed preschool unless the child care is provided to a child of school age.

[am. B.C. Regs. 57/2002, s. 2; 262/2002, s. 3; 294/2002; 387/2004, s. 2; 121/2005, s. 2; 145/2011, s. 2.]

How to apply for a subsidy

- 4** (1) To be eligible for a child care subsidy, a parent must
- (a) complete an application in the form required by the minister,
 - (b) supply the minister with the social insurance number of the parent and each adult dependant, and
 - (c) supply the minister with proof of the identity of each member of the family and proof of eligibility for a child care subsidy.
- (2) Only one parent in the family may apply for a child care subsidy.
- (3) Repealed. [B.C. Reg. 187/2007, s. (b).]
- (4) Repealed. [B.C. Reg. 84/2016, s. 2.]
[am. B.C. Regs. 218/2003, s. 1; 187/2007, s. (b); 84/2016, s. 2.]

Citizenship requirements

- 5** An applicant is eligible for a child care subsidy only if
- (a) the applicant
 - (i) is a Canadian citizen,
 - (ii) is authorized under an enactment of Canada to take up permanent residence in Canada, or
 - (iii) is determined under the *Immigration and Refugee Protection Act* (Canada) to be a Convention refugee or a person in need of protection.
 - (b) Repealed. [B.C. Reg. 281/2005, s. 3.]
[am. B.C. Regs. 251/98; 219/2003; 281/2005, s. 3; 187/2007, s. (c).]

Residency requirement

- 6** An applicant is eligible for a child care subsidy only if the applicant is a resident of British Columbia.

Income test

- 7** (1) An applicant is not eligible for a child care subsidy for a child receiving a type of child care if
- (a) the family's monthly net income exceeds the child's threshold, and
 - (b) the result of the calculation under section 8 (2) for the child is not more than zero.
- (2) Subsection (1) does not apply to an applicant if the child care is for a child

- (a) in relation to whom the applicant has entered into an agreement with a director under section 8 of the *Child, Family and Community Service Act*,
- (b) in relation to whom the applicant, by agreement under section 94 of the *Child, Family and Community Service Act*, exercises a director's rights or carries out a director's responsibilities,
- (c) of whom the applicant has interim or temporary custody under an order of the court under section 35 (2) (d), 41 (1) (b), 42.2 (4) (c), 49 (7) (b) or 54.01 (9) (b) of the *Child, Family and Community Service Act*,
- (c.1) of whom the applicant has been permanently transferred custody under an order of the court under section 54.01 (5) or 54.1 (3) of the *Child, Family and Community Service Act*,
- (d) of whom the applicant has custody under an order of the court under section 42.2 (4) (a) of the *Child, Family and Community Service Act*, if the applicant is the other person referred to in section 42.2 (4) (a) (i),
- (e) who is receiving assistance under the authority of the Child in the Home of a Relative Program Transition Regulation, B.C. Reg. 48/2010, and the applicant is the relative with whom that child resides, or
- (f) who is receiving assistance under a program, similar in nature to the program referred to in paragraph (e), provided
 - (i) on a reserve, within the meaning of the *Indian Act* (Canada), by the government of Canada, or
 - (ii) by the Nisga'a Nation or a treaty first nation.

[en. B.C. Reg. 281/2005, s. 4; am. B.C. Regs. 271/2006, s. 1; 143/2012, s. 2; 37/2013, Sch. s. 1.]

Amount of subsidy

- 8** (1) If a family's monthly net income does not exceed a child's threshold, the amount of child care subsidy for the child in respect of a type of child care is the amount set out in Schedule A or the parent fee, whichever is less, for the type of child care.
- (1.1) If a parent is eligible for a subsidy for more than one type of child care set out in Schedule A, the minister may determine which subsidy rate applies.
- (2) If a family's monthly net income exceeds a child's threshold, the amount of child care subsidy for the child in respect of a type of child care is

$$A - B$$

where

A = the amount set out in Schedule A or the parent fee, whichever is less, for the type of child care;

B = the amount of A for the child, divided by the sum of the amounts of A for all children in the family receiving child care described in section 2, multiplied by 50% of the amount by which the family's monthly net income exceeds the child's threshold.

- (2.1) Repealed. [B.C. Reg. 388/2004.]
- (2.2) The child care subsidy for a child described in section 7 (2) is the amount set out in Schedule A or the parent fee, whichever is less, for the type of child care the child is receiving.
- (3) If child care is required for less than 20 days per month, the child care subsidy will be prorated based on the daily rate set out in Schedule A or the daily parent fee, whichever is less.
- (4) If the child care is
- (a) arranged or recommended by staff delegated under the *Child, Family and Community Service Act*, after staff have
 - (i) offered support services or agreements to the child and family under section 16 (2) (a) of that Act,
 - (i.1) commenced an assessment under section 16 (2) (b.1) of that Act, or
 - (ii) commenced an investigation under section 16 (2) (c) of that Act, or
 - (b) provided through a Young Parent Program, and the child care provider operating the Young Parent Program confirms, in the form and manner specified by the minister, that the parent is participating in the Young Parent Program,
- the minister may pay any increase in the amount of the child care subsidy that the minister considers necessary to ensure that the child care is provided.
- (5) In this section, “**parent fee**” means the payment made by the parent for a child care space.

[am. B.C. Regs. 390/2000, s. 1; 57/2002, s. 3; 388/2004; 493/2004, s. 2; 281/2005, s. 5; 271/2006, s. 2; 187/2007, s. (d); 143/2012, s. 3; 37/2013, Sch. s. 2; 89/2014, s. 1.]

How monthly net income is calculated

- 9 (1) The monthly net income of a family is calculated by adding the income that each person in the family receives per month, including, but not limited to, the following:
- (a) employment income;
 - (b) self-employment income;
 - (c) spousal support paid to a spouse;
 - (d) employment insurance benefits;
 - (e) workers' compensation benefits;
 - (f) training allowances;
 - (g) investment income, including interest;

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- (h) tips and gratuities;
 - (i) money earned by providing room and board, less essential operating costs;
 - (j) rental income of any kind, less essential operating costs;
 - (k) grants, bursaries or scholarships, except
 - (i) the amount for tuition or books, and
 - (ii) with respect to grants provided under the British Columbia Student Assistance Program, \$50 for each week covered by the grant.
- (2) When calculating net income under subsection (1), the following are considered not to be income:
- (a) income earned by a dependent child;
 - (b) the basic family care rate for foster homes;
 - (c) assistance paid under the *Employment and Assistance Act* or assistance paid under the *Employment and Assistance for Persons with Disabilities Act*;
 - (c.1) assistance that is similar in nature to any of the types of assistance provided under an Act referred to in paragraph (c) and that is paid under a program provided
 - (i) on a reserve, within the meaning of the *Indian Act* (Canada), by the government of Canada, or
 - (ii) by the Nisga'a Nation or a treaty first nation;
 - (d) a family bonus;
 - (e) the basic child tax benefit;
 - (e.1) the Canada child benefit;
 - (f) a goods and services tax credit under the *Income Tax Act* (Canada);
 - (g) a sales tax credit under the *Income Tax Act* (British Columbia);
 - (h) the BC earned income benefit;
 - (i) child support;
 - (j) 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;
 - (k) 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;
 - (l) 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;
 - (m) post adoption assistance payments provided under section 28 (1) or 30 (1) of the Adoption Regulation, B.C. Reg. 291/96;

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- (n) a rebate of energy or fuel tax provided by the government of Canada, the government of British Columbia, or an agency of either government;
 - (o) payments granted by the government of British Columbia for the Ministry of Children and Family Development's Autism Funding: Under Age 6 Program;
 - (p) payments granted by the government of British Columbia for the Ministry of Children and Family Development's Autism Funding: Ages 6-18 Program;
 - (q) 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*;
 - (r) 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*;
 - (s) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program;
 - (t) loans provided under the British Columbia Student Assistance Program or under a student loan program of the federal government, the government of a province or the government of a jurisdiction outside Canada;
 - (u) a benefit paid under section 4 (1) of the *Universal Child Care Benefit Act* (Canada);
 - (v) the low income climate action tax credit under section 8.1 of the *Income Tax Act* (British Columbia);
 - (w) the climate action dividend under section 13.02 of the *Income Tax Act* (British Columbia);
 - (x) the BC early childhood tax benefit under section 13.071 of the *Income Tax Act* (British Columbia);
 - (y) 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;
 - (z) payments granted by the government of British Columbia under the Temporary Education Support for Parents program.
- (2.1) For certainty, for the purposes of subsection (2) (i), child support includes support paid to a person who is 19 years of age or older and unable, because of illness, disability or another reason, to obtain the necessities of life or withdraw from the charge of his or her parents or guardians.
- (3) If the monthly net income of the family varies during a calendar year, the minister may calculate their monthly net income by
- (a) estimating the annual net income that everyone in the family, other than a dependent child, will receive in the calendar year, and

(b) dividing the estimated annual net income by 12.

[am. B.C. Regs. 234/98, s. 2; 110/99; 229/2000; 328/2000, s. 1; 340/2000, s. 1; 413/2000, s. 1; 29/2001, s. 1; 85/2001, s. 1; 262/2002, s. 4; 205/2003; 493/2004, s. 3; 121/2005, s. 3; 281/2005, s. 6; 247/2006; 169/2008; 143/2012, s. 4; 353/2012, s. 2; 89/2014, s. 2; 171/2014; 84/2016, s. 3; 87/2017, s. 2.]

9.1 and 9.2 Repealed. [B.C. Reg. 143/2012, s. 5.]

How child's threshold is calculated

- 10** (1) The threshold income level for a child receiving a type of child care is calculated by adding
- (a) the base threshold income level applicable under subsection (2) for the child's family, and
 - (b) the amounts applicable to the child under subsection (3).
- (2) The base threshold income level for a child's family is the amount set out in Column 2 opposite the family's size in Column 1:

| Column 1 Family Size | Column 2 Base Threshold Income Level |
|---------------------------------------|----------------------------------------------------------------|
| 2 persons | \$1 082 |
| 3 persons | \$1 275 |
| 4 persons | \$1 418 |
| 5 persons | \$1 571 |
| 6 persons | \$1 704 |
| 7 persons | \$1 837 |
| 8 persons | \$1 960 |
| 9 persons | \$2 083 |
| 10 persons | \$2 206 |
| more than 10 persons | \$2 206 for the first 10 plus \$123 for each additional person |

- (3) The base threshold income level for a child is increased as follows:
- (a) by \$125 per month for each person in the child's family who
 - (i) is a child with special needs,
 - (ii) is a person with disabilities, or
 - (iii) has reached 65 years of age;
 - (b) by \$515 per month for a child who
 - (i) has not reached school age and is receiving child care
 - (A) in a licence-not-required child care setting, or
 - (B) in the child's own home as described in section 2 (c), or

- (ii) is of school age and is receiving child care in any child care setting;
 - (c) by \$1 500 per month if the child has not reached school age and is receiving child care
 - (i) in a licensed child care setting, or
 - (ii) in a registered licence-not-required child care setting;
 - (c.1) Repealed. [B.C. Reg. 145/2011, s. 3 (d).]
 - (d) by \$100 per month if the child
 - (i) is a child with special needs, and
 - (ii) receives a type of child care described in section 2.
- [en. B.C. Reg. 281/2005, s. 7; am. B.C. Regs. 398/2007, s. 1; 145/2011, s. 3.]

If a child needs more than one type of child care

- 11** Subject to section 11.1, if a child needs a combination of any of the types of child care listed in section 2 and the parent is eligible for a child care subsidy, the minister may pay a child care subsidy for each of those types of child care.
- [am. B.C. Reg. 281/2005, s. 8.]

Access to preschool

- 11.1** (1) If the minister provides a child care subsidy for a child described in subsection (2) to attend 20 full days per month at a child care setting, other than a child care setting described in paragraph (a) to (d) or (f) of the definition of “licensed child care setting” in section 1, the minister may provide an additional child care subsidy for that child to receive child care for up to 20 half days per month in a licensed preschool.
- (2) Subsection (1) applies only in relation to a child who has reached 30 months of age but who has not reached school age.
- [en. B.C. Reg. 281/2005, s. 9; am. B.C. Reg. 337/2008, s. 3.]

Applicant must be notified of outcome

- 12** (1) The minister must notify the applicant as to whether or not the application is approved.
- (2) If the application is not approved, the notification must be in writing and must include the minister’s reason for refusing to pay a child care subsidy.

Will a subsidy be paid for child care provided before completion of the application?

- 13** (1) A child care subsidy may be paid from the first day of the month in which the parent completes an application under section 4.
- (2) If an administrative error has been made, a child care subsidy may be paid for child care provided in the 30 days before the parent completes an application under section 4.
- [am. B.C. Reg. 337/2008, s. 4.]

Notifying the minister of change in circumstances

- 14** The notification required by section 5 (2) of the Act must be given in writing or by telephone,
- (a) as soon as possible after any change in circumstances affecting the eligibility of the parent, and
 - (b) to an employee in the Child Care Subsidy Service Centre.
- [am. B.C. Reg. 337/2008, s. 5.]

Accounts and payment

- 15** (1) Child care providers must submit billing for child care subsidies to the minister in the manner and form specified by the minister.
- (2) The minister must pay
- (a) child care subsidies for child care described in section 2 (c) directly to the parent, and
 - (b) child care subsidies for child care described in section 2 (a), (b) or (b.1) directly to the child care provider.
- (3) Despite subsections (1) and (2), a non-profit agency providing child care support services may pay the caregiver and submit accounts to the ministry for reimbursement.
- (4) If a licence issued for a child care setting under the *Community Care and Assisted Living Act* is cancelled, the minister may accept, for up to 30 days after the date the licence is cancelled, billing for subsidized child care provided in that setting.
- (5) No child care subsidy will be paid to a child care provider under subsection (2) (b) for a day on which the child care setting is closed, unless the day is a statutory holiday.
- (6) In subsection (5), “**statutory holiday**” means any day, except Sunday, that is listed as a holiday in the *Interpretation Act*.
- [am. B.C. Regs. 387/2004, s. 3; 281/2005, s. 10.]

If a child is absent or is withdrawn without notice

- 16** (1) The minister may continue to pay a child care subsidy for a period of up to 2 weeks for child care provided in a licensed child care setting, a registered licence-not-required child care setting or a licence-not-required child care setting, if a child is absent because
- (a) the child is on vacation, or
 - (b) the child or parent is ill.
- (2) The child care provider must record the reason for the absence in an attendance register.
- (3) If a child for whom a child subsidy is paid is withdrawn without notice from a child care setting, other than the child’s own home, or at any time before the end

of a month and the vacancy is not filled, the minister may pay the following to the operator of the setting:

- (a) the monthly child care subsidy, if during that month the child attended the setting for 1/2 or more of the month;
- (b) 1/2 of the monthly subsidy, if the child attended the setting for less than 1/2 of the month.

[am. B.C. Reg. 281/2005, s. 11.]

Reconsideration of decisions

- 17** (1) A person who wishes the minister to reconsider a decision made under the Act must deliver to the Child Care Subsidy Service Centre a request for reconsideration that
- (a) is in the form specified by the minister, and
 - (b) is delivered within 20 business days after the person is notified of that decision.
- (2) A request for reconsideration may be delivered under subsection (1) by mail or facsimile transmission to the Child Care Subsidy Service Centre.
- (3) A request for reconsideration that is mailed in accordance with subsection (2) is deemed to have been delivered 3 business days after the mailing date.
- (4) If a request for reconsideration is not delivered in the time required by subsection (1),
- (a) the person is deemed to have accepted the decision, and
 - (b) the decision is not open to review in a court or subject to appeal to a tribunal or other body.
- (5) Within 10 business days after receiving a request for reconsideration under subsection (1), the minister must
- (a) reconsider the decision, and
 - (b) provide the person who delivered the request with a written decision on the request.
- (6) If a request for reconsideration is delivered under this section about a decision that results in a discontinuation or reduction of a child care subsidy, that decision is set aside until the minister
- (a) reconsiders the decision, and
 - (b) provides the person who delivered the request with a written decision on the request.
- (7) If a request for reconsideration is delivered under this section about a decision that results in a refusal of a child care subsidy, that decision stands until the minister
- (a) reconsiders the decision, and

(b) provides the person who delivered the request with a written decision on the request.

[am. B.C. Regs. 262/2002, s. 6; 337/2008, s. 6.]

Status of decisions pending appeal

- 18** (1) In this section, “**tribunal**” means the Employment and Assistance Appeal Tribunal.
- (2) If an appeal is commenced under section 84 of the Employment and Assistance Regulation about a decision that results in a discontinuation or reduction of a child care subsidy, the decision is set aside until the tribunal considers the appeal and delivers a decision to the appellant in accordance with that regulation.
- (3) If an appeal is commenced under section 84 of the Employment and Assistance Regulation about a decision that results in a refusal to pay a child care subsidy, the decision stands until the tribunal considers the appeal and delivers a decision to the appellant in accordance with that regulation.

[en. B.C. Reg. 281/2005, s. 12.]

Prescribed Acts

19 The following Acts are prescribed for the purposes of section 7 (4) (b) of the Act:

- (a) *Employment and Assistance Act*;
- (b) *Employment and Assistance for Persons with Disabilities Act*.

[en. B.C. Reg. 262/2002, s. 8.]

20 Repealed. [B.C. Reg. 281/2005, s. 13.]

SCHEDULE A

[en. B.C. Reg. 398/2007, s. 2; am. B.C. Regs. 337/2008, s. 7; 145/2011, s. 4; 56/2012.]

(Section 8)

| Item | Column 1 | Column 2A | Column 2B | Column 3A | Column 3B |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|--------------|-----------------------------------------------------------------------------|--------------|
| | Type of Child Care | 4 Hours or Less Daily unless both before and after school care provided | | More than 4 Hours Daily or both before and after school care provided | |
| | | \$ Per Day | \$ Per Month | \$ Per Day | \$ Per Month |
| Subsidy Rates for Licensed Child Care Settings | | | | | |
| Licensed Group Care and Multi-Age Child Care | | | | | |
| 1 | G1 – Group (children under 19 months) | 18.75 | 375.00 | 37.50 | 750.00 |
| 2 | G2 – Group (children 19 months and over but under 37 months) | 15.90 | 317.50 | 31.75 | 635.00 |
| 3 | G3 – Group (children who have reached 37 months of age but who have not reached school age) | 13.75 | 275.00 | 27.50 | 550.00 |
| 4 | G4 – Group (children of school age) | 10.38 | 207.50 | 20.75 | 415.00 |

CHILD CARE SUBSIDY REGULATION

Schedule A

| Item | Column 1 | Column 2A | Column 2B | Column 3A | Column 3B |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|--------------|-----------------------------------------------------------------------------|--------------|
| | Type of Child Care | 4 Hours or Less Daily unless both before and after school care provided | | More than 4 Hours Daily or both before and after school care provided | |
| | | \$ Per Day | \$ Per Month | \$ Per Day | \$ Per Month |
| Licensed Family Child Care and In-Home Multi-Age Child Care | | | | | |
| 5 | J1 – L Family (children under 19 months) | 15.00 | 300.00 | 30.00 | 600.00 |
| 6 | J2 – L Family (children 19 months and over but under 37 months) | 15.00 | 300.00 | 30.00 | 600.00 |
| 7 | J3 – L Family (children who have reached 37 months of age but who have not reached school age) | 13.75 | 375.00 | 27.50 | 550.00 |
| 8 | J4 – L Family (children of school age) | 10.38 | 207.50 | 20.75 | 415.00 |
| 9 | Repealed. [B.C. Reg. 145/2011, s. 4 (d).] | | | | |
| Licensed Preschool | | | | | |
| 10 | N1 – (children who have reached 30 months of age but who have not reached school age) | 11.25 | 225.00 | – | – |
| Subsidy Rates for Licence-not-required Child Care Settings | | | | | |
| 11 | F1 – LNR (children under 19 months) | 10.95 | 219.00 | 21.90 | 438.00 |
| 12 | F2 – LNR (children 19 months and over but under 37 months) | 10.10 | 202.00 | 20.20 | 404.00 |
| 13 | F3 – LNR (children 37 months and over) | 8.85 | 177.00 | 17.70 | 354.00 |
| Subsidy Rates for Registered Licence-not-required Child Care Settings | | | | | |
| 14 | R1 – RLNR (children under 19 months) | 15.00 | 300.00 | 30.00 | 600.00 |
| 15 | R2 – RLNR (children 19 months and over but under 37 months) | 15.00 | 300.00 | 30.00 | 600.00 |
| 16 | R3 – RLNR (children who have reached 37 months of age but who have not reached school age) | 13.75 | 275.00 | 27.50 | 550.00 |
| 17 | R4 – RLNR (children of school age) | 10.38 | 207.50 | 20.75 | 415.00 |
| Subsidy Rates for Care Surrounding School Day – All Child Care Settings Except Child’s Own Home with Respect to Additional Child and 1st Child of School Age if Another Younger Child in Family is H1 or H2 | | | | | |
| 18 | L2 – children of school age not in child’s own home child care setting and 1st child of school age in child’s own home child care setting unless another child in the family, younger than school age, is in category H1 or H2 | 8.75 | 175.00 | 10.50 | 210.00 |
| Subsidy Rates in the Child’s Own Home Child Care Setting (as described in section 2 (c)) | | | | | |

Schedule A

| Item | Column 1 Type of Child Care | Column 2A | Column 2B | Column 3A | Column 3B |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|--------------|-----------------------------------------------------------------------------|--------------|
| | | 4 Hours or Less Daily unless both before and after school care provided | | More than 4 Hours Daily or both before and after school care provided | |
| | | \$ Per Day | \$ Per Month | \$ Per Day | \$ Per Month |
| 19 | H1 – (1st child under 19 months) | 9.85 | 197.00 | 19.70 | 394.00 |
| 20 | H2 – (1st child 19 months and over) | 7.95 | 159.00 | 15.90 | 318.00 |
| 21 | H3 – (2nd child under 19 months) | 4.95 | 99.00 | 9.90 | 198.00 |
| 22 | H4 – (each additional child, whether or not receiving care surrounding school day, including 1st child of school age receiving care surrounding school day if another child in the family, younger than school age, is in category H1 or H2) | 3.68 | 73.50 | 7.35 | 147.00 |

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