



*Child Care Subsidy Act*

# CHILD CARE SUBSIDY REGULATION

**B.C. Reg. 74/97**

Deposited March 13, 1997 and effective March 31, 1997  
Last amended September 1, 2018 by B.C. Reg. 148/2018

## **Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 74/97 (O.C. 271/97), deposited March 13, 1997 and effective March 31, 1997, is made under the *Child Care Subsidy Act*, R.S.B.C. 1996, c. 26, s. 13.

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](http://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](http://www.bclaws.ca).

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

*Child Care Subsidy Act*

**CHILD CARE SUBSIDY REGULATION**

**B.C. Reg. 74/97**

*Contents*

|          |  |    |
|----------|--|----|
| 1        | Definitions  | 1  |
| 2        | What types of child care may be subsidized?  | 4  |
| 3        | Circumstances in which subsidy may be provided                                       | 4  |
| 4        | How to apply for a subsidy   | 5  |
| 4.1      | Authorizations required  | 5  |
| 5        | Citizenship requirements   | 6  |
| 6        | Residency requirement  | 6  |
| 7        | Income test  | 6  |
| 8        | Amount of subsidy  | 7  |
| 9        | Calculation of family's adjusted annual income                                       | 9  |
| 9.1      | Income review  | 10 |
| 9.2 – 10 | [Repealed]   | 12 |
| 11       | If child needs child care in more than one setting                                   | 12 |
| 11.1     | Access to preschool  | 12 |
| 12       | Applicant must be notified of outcome  | 13 |
| 13       | Will a subsidy be paid for child care provided before completion of the application? | 13 |
| 14       | Notifying the minister of change in circumstances                                    | 13 |
| 15       | Accounts and payment   | 13 |
| 16       | If a child is absent or is withdrawn   | 14 |
| 17       | Reconsideration of decisions   | 15 |
| 18       | Status of decisions pending appeal   | 16 |
| 19       | Prescribed Acts  | 16 |
| 20       | [Repealed]   | 16 |
| 21       | Transition to new child care subsidy 2018  | 16 |
|          | <b>SCHEDULE A</b>  | 17 |



## *Child Care Subsidy Act*

### **CHILD CARE SUBSIDY REGULATION**

**B.C. Reg. 74/97**

#### **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;

“**business day**” means a day other than Saturday, Sunday or another holiday listed in the *Interpretation Act*;

“**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, Family Day or Thanksgiving Day;

“**child**” means an unmarried person under 19 years of age;

“**child care provider**” means a person or organization operating a child care setting;

“**Child Care Service Centre**” means the government office responsible for administering payment of child care subsidies under the Act;

“**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;

“**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, or

(b) is a dependent child of the parent;

(c) and (d) Repealed. [B.C. Reg. 148/2018, App. 1, s. 1 (e).]

“**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-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’s adjusted annual income”** means the income calculated for the family under the following:

- (a) section 9 (2) [*calculation of family’s adjusted annual income*];
- (b) section 9.1 (3) [*decrease family’s adjusted annual income*];
- (c) section 9.1 (7) [*increase family’s adjusted annual income after review*];

**“full day”**, in relation to child care, means

- (a) more than 4 hours of child care provided in a day, or
- (b) child care provided before and after school in a day;

**“half day”**, in relation to child care, means 4 hours or less of child care provided in a day, unless the child care is provided before and after school in a day;

**“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;

**“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;

**“spouse”**, in relation to a parent, means a person, including a person of the same gender, who resides with the parent and

- (a) who is married to the parent,
- (b) who, together with the parent, acknowledges to the minister that he or she is residing with the parent in a marriage-like relationship, or
- (c) who
  - (i) has been residing with the parent for at least
    - (A) the previous 3 consecutive months, or
    - (B) 9 of the previous 12 months, and
  - (ii) has a relationship with the parent that the minister is satisfied demonstrates
    - (A) financial dependence or interdependence, and
    - (B) social and familial interdependence,consistent with 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; 148/2018, App. 1, s. 1.]

#### What types of child care may be subsidized?

- 2 The minister may pay a child care subsidy if a type of child care set out in Column 2 of a table in the Schedule is provided

- (a) in a licensed child care setting,
- (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. Regs. 281/2005, s. 2; 148/2018, App 1, 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 the parent's spouse, if any, 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; 148/2018, App. 1, s. 3.]

#### Authorizations required

- 4.1** (1) To be eligible for a child care subsidy for a child other than a child described in section 7 (2), an applicant and the applicant's spouse, if any, must supply the minister with authorizations for
- (a) the disclosure to the Canada Revenue Agency of the full name, birth date and social insurance number of the person,
  - (b) the disclosure by the Canada Revenue Agency of the personal information of the person that is relevant to the person's income, and that the minister needs for the purposes of sections 9 [*calculation of family's adjusted annual income*] and 9.1 [*income review*], for the 2 years previous to the current calendar year, in accordance with the MOU For Income Verification between the Canada Revenue Agency and the minister, regardless of whether the person completed an income tax return for those years, and

- (c) the indirect collection by the minister of the information described in paragraph (b).
- (2) To be eligible for a child care subsidy for a child other than a child described in section 7 (2),
  - (a) an applicant must supply the minister with authorizations for the disclosure to the applicant's spouse, if any, of personal information of the applicant used in determining the family's adjusted annual income, and
  - (b) an applicant's spouse, if any, must supply the minister with authorizations for the disclosure to the applicant of personal information of the applicant's spouse, if any, used in determining the family's adjusted annual income.
- (3) To be eligible for a child care subsidy for a child, an applicant and the applicant's spouse, if any, must supply the minister with authorizations for
  - (a) the disclosure by a third party of the personal information of the person that the minister needs for the purpose of determining or auditing the applicant's eligibility for a child care subsidy, and
  - (b) the indirect collection by the minister of the information described in paragraph (a).

[en. B.C. Reg. 148/2018, App. 1, s. 4.]

#### 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 if the family's adjusted annual income equals or exceeds the following:
- (a) \$111 000 for a child receiving child care in a licensed child care setting;
  - (b) \$85 000 for a child receiving child care in a registered licence-not-required child care setting;

- (c) \$70 000 for a child receiving child care
  - (i) in a licence-not-required child care setting, or
  - (ii) in the child's own home as described in section 2 (c).
- (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; 148/2018, App. 1, s. 5.]

#### Amount of subsidy

**8** (1) In this section:

**“full time child care”** means child care for which the minister may pay a child care subsidy that is provided for the equivalent of at least 20 full days per month;

**“full time subsidy amount”**, in relation to a child receiving part time child care, means the monthly child care subsidy determined in accordance with subsection (3), (4) or (5), as applicable, that would apply if the child were receiving full time child care;

**“number of full days”** means the number of full days per month for which the minister may pay a child care subsidy;

**“number of half days”** means the number of half days per month for which the minister may pay a child care subsidy;

**“parent fee”** in relation to a parent, means the fee the parent is charged by the applicable child care provider for child care for which the minister may pay a child care subsidy;

**“part time child care”** means child care for which the minister may pay a child care subsidy that is provided for less than the equivalent of 20 full days per month.

- (2) For the purposes of applying the definitions of “full time child care” and “part time child care” in subsection (1), 2 half days are the equivalent of one full day.
- (3) If a family’s adjusted annual income is less than or equal to the following, the monthly child care subsidy for a child receiving full time child care is the parent fee or the amount set out in Column 3 of the applicable table in Schedule A, whichever is less, for the type of child care the child is receiving:
  - (a) \$45 000 for a child receiving child care in a licensed child care setting;
  - (b) \$39 000 for a child receiving child care in a registered licence-not-required child care setting;
  - (c) \$24 000 for a child receiving child care
    - (i) in a licence-not-required child care setting, or
    - (ii) in the child’s own home as described in section 2 (c).
- (4) If a family’s adjusted annual income exceeds the applicable amount under subsection (3) (a), (b) or (c), the monthly child care subsidy for a child receiving full time child care is the parent fee or the amount determined in accordance with the applicable formula in Schedule A, whichever is less, for the type of child care the child is receiving.
- (5) Despite subsections (3) and (4), the monthly child care subsidy for a child described in section 7 (2) who is receiving full time child care is the parent fee or the amount set out in Column 3 of the applicable table in Schedule A, whichever is less, for the type of child care the child is receiving.
- (6) If child care is provided through a Young Parent Program and the child care provider operating the Young Parent Program confirms, in the form specified by the minister, that the parent is participating in the Young Parent Program,
  - (a) despite subsections (3) and (4), the monthly child care subsidy for a child who is receiving full time child care provided through the Young Parent Program is \$1 500, and
  - (b) despite subsection (7), the monthly child care subsidy for a child receiving part time child care provided through the Young Parent Program is the amount determined in accordance with the following formula:

$$\left[ \frac{(\text{number of half days} \times 0.5) + \text{number of full days}}{20} \right] \times 1\,500$$

- (7) The monthly child care subsidy for a child receiving part time child care is the parent fee or the amount determined in accordance with the following formula, whichever is less, for the type of child care the child is receiving:

$$\left[ \frac{(\text{number of half days} \times 0.5) + \text{number of full days}}{20} \right] \times \text{full time subsidy amount}$$

- (8) Despite subsection (7), the monthly child care subsidy for a child receiving part time child care provided in a licensed preschool is the parent fee or the amount determined in accordance with the following formula, whichever is less, for that type of child care:

$$\left[ \frac{\text{number of half days}}{20} \right] \times \text{full time subsidy amount}$$

- (9) Despite subsection (7), the monthly child care subsidy for a child receiving part time child care that is care surrounding school day is the parent fee or the amount determined in accordance with the following formula, whichever is less, for that type of child care:

$$\left[ \frac{(\text{number of half days} \times 0.83333) + \text{number of full days}}{20} \right] \times \text{full time subsidy amount}$$

- (10) If the child care is arranged or recommended by staff delegated under the *Child, Family and Community Service Act*, after staff have

- (a) offered support services or agreements to the child and family under section 16 (2) (a) of that Act,
- (b) begun an assessment under section 16 (2) (b.1) of that Act, or
- (c) begun an investigation under section 16 (2) (c) of that Act,

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.

[en. B.C. Reg. 148/2018, App. 1, s. 6.]

#### Calculation of family's adjusted annual income

- 9** (1) In this section, “**previous year**” means the year previous to the current calendar year.
- (2) In relation to a child care subsidy that is to be determined based on a family's adjusted annual income, the minister must calculate the family's adjusted annual income as follows:
- (a) by adding, for the applicant and the applicant's spouse, if any, the annual income for the person determined under subsection (3) or (4), as applicable;
  - (b) by deducting from the amount calculated under paragraph (a) any applicable amounts under subsection (5).

- 
- (3) For the purposes of subsection (2), the minister must calculate the annual income of the applicant and the applicant's spouse, if any, by
- (a) determining the person's income for the previous year, or for the year before the previous year if a notice of assessment is not available for the person for the previous year, as
    - (i) the amount reported on line 150 of the person's notice of assessment if there has been no notice of reassessment for the applicable year, or
    - (ii) if there was a notice of reassessment for the person, the amount reported on line 150 of the notice of reassessment, and
  - (b) deducting from the income determined under paragraph (a) all amounts, if any, reported on line 145 of the notice of assessment or notice of reassessment that applies under paragraph (a).
- (4) If a notice of assessment is not available for either of the 2 calendar years before the current year with respect to the applicant or the applicant's spouse, if any,
- (a) the applicant may give to the minister a statement, in the form required by the minister, attesting to the applicant's or the applicant's spouse's, as applicable, total income from all sources except social assistance payments, stated in Canadian dollars, for the previous year, and
  - (b) on receiving income information satisfactory to the minister under paragraph (a), the minister may determine the annual income of the person based on that information.
- (5) For the purposes of this section, the following deductions may be made, if applicable:
- (a) \$0 for the first dependant in the family who is not a child with special needs;
  - (b) \$2 000 for each additional dependant in the family;
  - (c) \$3 000 for each child with special needs in the family.

[en. B.C. Reg. 148/2018, App. 1, s. 7.]

## Income review

### 9.1 (1) In this section:

**“estimated decreased annual income”** means the estimated income from all sources except social assistance payments, stated in Canadian dollars, for the applicant or the applicant's spouse, if any, for the 12-month period beginning the month after the month in which the applicant requests an income review under this section;

**“estimated increased annual income”** means the estimated income from all sources except social assistance payments, stated in Canadian dollars, for the applicant, or the applicant's spouse, if any, for the 12-month period beginning the month after the month in which the income of the applicant or the applicant's spouse, as applicable, increased.

- 
- (2) Despite section 9 (3), if the income of the applicant or of the applicant's spouse, if any, has decreased,
- (a) the applicant may request the minister to conduct an income review by giving to the minister a statement, in the form required by the minister, attesting to the estimated decreased annual income of the applicant or the applicant's spouse, as applicable, and
  - (b) the minister may determine the annual income of the person based on that information.
- (3) Despite section 9 (2), on receiving a request for an income review under this section, if the minister is satisfied that the income decrease may result in an increase in the amount of child care subsidy, the minister must calculate the family's adjusted annual income as follows:
- (a) by adding, for the applicant and the applicant's spouse, if any,
    - (i) the lesser of
      - (A) the annual income of the person referred to in subsection (2) whose income decreased as determined in accordance with subsection (2) (b), or
      - (B) the annual income of that person as determined in accordance with section 9 (3) or (4), as applicable, and
    - (ii) the annual income of the applicant or the applicant's spouse, if any, determined in accordance with section 9 (3) or (4), if applicable;
  - (b) by deducting from the amount calculated under paragraph (a) the applicable amounts under section 9 (5).
- (4) If the minister is satisfied that the family's adjusted annual income calculated under subsection (3) will result in an increase in the amount of child care subsidy, the minister must redetermine the amount of child care subsidy using the family's adjusted annual income calculated under subsection (3) as the basis for the calculation under section 8 [*amount of subsidy*].
- (5) If an applicant is eligible for an increased amount of child care subsidy determined in accordance with subsection (4), the increased amount of child care subsidy may be paid from the first day of the month after the month in which the applicant requests an income review under this section.
- (6) Despite section 9 (3),
- (a) an applicant to or for whom an increased amount of child care subsidy is paid in accordance with this section must give to the minister a statement, in the form required by the minister, attesting to the estimated increased annual income of the person referred to in subsection (2) whose income decreased if
    - (i) the income of that person increases, and

- (ii) the family's adjusted annual income was calculated under subsection (3) using the annual income of that person referred to in paragraph (a) (i) (A) of that subsection, and
  - (b) the minister may determine the annual income of the person based on that information.
- (7) Despite section 9 (2), on receiving a statement referred to in subsection (6) of this section, if the minister is satisfied that the income increase may result in a decrease in the amount of child care subsidy, the minister must calculate the family's adjusted annual income as follows:
  - (a) by adding, for the applicant and the applicant's spouse, if any,
    - (i) the lesser of
      - (A) the annual income of the person referred to in subsection (6) whose income increased determined in accordance with subsection (6) (b), or
      - (B) the annual income of that person determined in accordance with section 9 (3) or (4), as applicable, and
    - (ii) the annual income of the applicant or the applicant's spouse, if any, determined in accordance with section 9 (3) or (4), if applicable;
  - (b) by deducting from the amount calculated under paragraph (a), the applicable amounts under section 9 (5).
- (8) If the minister is satisfied that the family's adjusted annual income calculated under subsection (7) will result in a decrease in the amount of child care subsidy, the minister must redetermine the amount of child care subsidy using the family's adjusted annual income calculated under subsection (7) as the basis for the calculation under section 8.

[en. B.C. Reg. 148/2018, App. 1, s. 7.]

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

**10** Repealed. [B.C. Reg. 148/2018, App. 1, s. 8.]

#### **If child needs child care in more than one setting**

- 11** Subject to section 11.1, if a child is receiving child care for which the minister may pay a child care subsidy in more than one child care setting listed in section 2, the minister may pay a child care subsidy for each of those child care settings.

[en. B.C. Reg. 148/2018, App. 1, s. 9.]

#### **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 Service Centre.

[am. B.C. Regs. 337/2008, s. 5; 148/2018, App. 1, s. 10.]

**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**

- 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.
  - (1.1) Despite subsection (1), if a child is absent for any reason, the minister may continue to pay a child care subsidy for any length of time for child care provided through a Young Parent Program as long as the parent is participating in the Young Parent Program.
  - (2) Unless the child care is provided through a Young Parent Program, the child care provider must record the reason for the absence in an attendance register.
  - (3) If a child for whom a child care subsidy is paid is withdrawn from a child care setting, other than the child’s own home, at any time before the end of a month and the vacancy
    - (a) is filled before the end of the month, the minister may pay to the child care provider operating the child care setting the monthly child care subsidy prorated based on the number of days the child received child care, or
    - (b) is not filled before the end of the month, the minister may pay the following to the child care provider operating the child care setting:
      - (i) the monthly child care subsidy, if the child is withdrawn after the 15th of the month;
      - (ii) 1/2 of the monthly child care subsidy, if the child is withdrawn on or before the 15th of the month.
  - (4) Despite subsection (3) (b), if
    - (a) a child care subsidy is paid in relation to a child who is receiving child care through a Young Parent Program,
    - (b) the child is withdrawn from the child care setting at any time before the end of a month, and

(c) the vacancy is not filled before the end of the month,  
the minister may pay the monthly child care subsidy to the child care provider  
operating the child care setting.

[am. B.C. Regs. 281/2005, s. 11; 148/2018, App. 1, 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 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 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; 148/2018, App. 1, s. 10.]

---

**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.]

**Transition to new child care subsidy 2018**

- 21** (1) In this section:
- “**current child care subsidy recipient**” means a parent
- (a) who is eligible for a child care subsidy for September 2018,
- (b) to or for whom a child care subsidy is paid for June, July or August 2018, and
- (c) who, on or before August 31, 2018, supplies the minister with the authorizations that will be required under section 4.1 [*disclosure authorizations*] as that section will read on September 1, 2018;
- “**new child care subsidy**” means the monthly child care subsidy for a child receiving a type of child care as determined in accordance with sections 7, 8, 9 and 9.1 as those sections will read on September 1, 2018, for the type of child care the child is receiving;
- “**old child care subsidy**” means the monthly child care subsidy for a child receiving a type of child care as determined in accordance with sections 7, 8, 9 and 10 as those sections read immediately before September 1, 2018, for the type of child care the child is receiving.
- (2) This section applies in relation to a current child care subsidy recipient, unless
- (a) a child care subsidy is paid for a child for June or July 2018, but not for August 2018, and

## CHILD CARE SUBSIDY REGULATION

## Schedule A

- (b) the type of child care in respect of which the minister may pay a child care subsidy for September 2018 for the child is not the same type of child care for which the child care subsidy referred to in paragraph (a) is paid.
- (3) If this section applies, the minister
  - (a) must determine whether the new child care subsidy is less than the old child care subsidy, and
  - (b) if the new child care subsidy is less, may pay the old child care subsidy in accordance with this section.
- (4) This section applies in relation to a current child care subsidy recipient until the earlier of the following:
  - (a) any change in circumstances that affects the eligibility of the parent for a child care subsidy, other than a change of type of child care provided in the same type of child care setting;
  - (b) August 31, 2019.
- (5) For certainty, if the only change in circumstances affecting the eligibility of the parent for a child care subsidy is a change of type of child care provided in the same type of child care setting, subsection (3) continues to apply.

[en. B.C. Reg. 148/2018, App. 2.]

## SCHEDULE A

[en. B.C. Reg. 148/2018, App. 1, s. 12.]

## Definition

- 1 In this Schedule, “**maximum benefit**” means the monthly child care subsidy set out in Column 3 of the applicable table in this Schedule for the type of child care the child is receiving.

## Subsidy rates for licensed child care setting

- 2 The monthly child care subsidy for a child receiving a type of child care provided in a licensed child care setting is to be determined in accordance with the formula in paragraph (a), (b) or (c), as applicable, and the table in this section:

- (a) if a family’s adjusted annual income is more than \$45 000 but less than or equal to \$60 000, the amount of child care subsidy is to be determined in accordance with the following formula:

$$\text{maximum benefit} \times \left[ 1 - \frac{(\text{family's adjusted annual income} - 45\,000) \times 0.272}{15\,000} \right]$$

- (b) if a family’s adjusted annual income is more than \$60 000 but less than or equal to \$80 000, the amount of child care subsidy is to be determined in accordance with the following formula:

$$0.728 \times \text{maximum benefit}$$

- (c) if a family's adjusted annual income is more than \$80 000 but less than \$111 000, the amount of child care subsidy is to be determined in accordance with the following formula:

$$(0.728 \times \text{maximum benefit}) \times \left[ 1 - \frac{(\text{family's adjusted annual income} - 80\,000)}{31\,000} \right]$$

**Table of Maximum Benefits**

| Item  | Column 1<br>Care Code | Column 2<br>Type of Child Care Provided in a<br>Licensed Child Care Setting | Column 3<br>Maximum Benefit<br>per Month |
|---|-----------------------|---|--|
| <b>Group Child Care / Multi-Age Child Care</b>          |                       |   |  |
| 1   | G1                    | children under 19 months  | \$1 250                                  |
| 2   | G2                    | children 19 months and over but under 37 months                             | \$1 060                                  |
| 3   | G3                    | children 37 months and over but who have not reached school age             | \$550                                    |
| 4   | G4                    | children of school age  | \$415                                    |
| <b>Family Child Care / In-Home Multi-Age Child Care</b> |                       |   |  |
| 5   | J1 – L                | children under 19 months  | \$1 000                                  |
| 6   | J2 – L                | children 19 months and over but under 37 months                             | \$1 000                                  |
| 7   | J3 – L                | children 37 months and over but who have not reached school age             | \$550                                    |
| 8   | J4 – L                | children of school age  | \$415                                    |
| <b>Other</b>  |                       |   |  |
| 9   | N1                    | Preschool (children 30 months and over but who have not reached school age) | \$225                                    |
| 10  | L2                    | Care Surrounding School Day (children of school age)                        | \$210                                    |

**Subsidy rates for registered licence-not-required child care setting**

- 3 If a family's adjusted annual income is more than \$39 000 but less than \$85 000, the monthly child care subsidy for a child receiving a type of child care provided in a registered licence-not-required child care setting is to be determined in accordance with the following formula and the table in this section:

$$\text{maximum benefit} \times \left[ 1 - \frac{(\text{family's adjusted annual income} - 39\,000)}{46\,000} \right]$$

**Table of Maximum Benefits**

| Item | Column 1<br>Care Code | Column 2<br>Type of Child Care Provided in a Registered<br>Licence-Not-Required Child Care Setting | Column 3<br>Maximum Benefit<br>per Month |
|------|-----------------------|--|--|
| 1    | R1                    | children under 19 months   | \$600                                    |

## CHILD CARE SUBSIDY REGULATION

## Schedule A

| Item | Column 1<br>Care<br>Code | Column 2<br>Type of Child Care Provided in a Registered<br>Licence-Not-Required Child Care Setting | Column 3<br>Maximum Benefit<br>per Month |
|------|--------------------------|--|--|
| 2    | R2                       | children 19 months and over but under 37 months  | \$600                                    |
| 3    | R3                       | children 37 months and over but who have not reached school age                                    | \$550                                    |
| 4    | R4                       | children of school age   | \$415                                    |
| 5    | L2                       | Care Surrounding School Day (children of school age)   | \$210                                    |

**Subsidy rates for licence-not-required child care setting**

- 4 If a family's adjusted annual income is more than \$24 000 but less than \$70 000, the monthly child care subsidy for a child receiving a type of child care provided in a licence-not-required child care setting is to be determined in accordance with the following formula and the table in this section:

$$\text{maximum benefit} \times \left[ 1 - \frac{(\text{family's adjusted annual income} - 24\,000)}{46\,000} \right]$$

**Table of Maximum Benefits**

| Item | Column 1<br>Care<br>Code | Column 2<br>Type of Child Care Provided in Licence-Not-Required Child Care Setting | Column 3<br>Maximum Benefit<br>per Month |
|------|--------------------------|--|--|
| 1    | F1                       | children under 19 months   | \$438                                    |
| 2    | F2                       | children 19 months and over but under 37 months                                    | \$404                                    |
| 3    | F3                       | children 37 months and over  | \$354                                    |
| 4    | L2                       | Care Surrounding School Day (children of school age)                               | \$210                                    |

**Subsidy rates for child care provided in child's own home**

- 5 If a family's adjusted annual income is more than \$24 000 but less than \$70 000, the monthly child care subsidy for a child receiving a type of child care provided in the child's own home as described in section 2 (c) of the regulation is to be determined in accordance with the following formula and the table in this section:

$$\text{maximum benefit} \times \left[ 1 - \frac{(\text{family's adjusted annual income} - 24\,000)}{46\,000} \right]$$

**Table of Maximum Benefits**

| Item | Column 1<br>Care<br>Code | Column 2<br>Type of Child Care Provided in<br>Child's Own Home | Column 3<br>Maximum Benefit<br>per Month |
|------|--------------------------|--|--|
| 1    | H1                       | 1st child under 19 months                                      | \$394                                    |
| 2    | H2                       | 1st child 19 months and over                                   | \$318                                    |

**CHILD CARE SUBSIDY REGULATION**

## Schedule A

| Item | Column 1<br>Care<br>Code | Column 2<br>Type of Child Care Provided in<br>Child's Own Home  | Column 3<br>Maximum Benefit<br>per Month |
|------|--------------------------|---|--|
| 3    | H3                       | 2nd child under 19 months   | \$198                                    |
| 4    | H4                       | (a) 1st child of school age receiving care surrounding school day if another child in the family, who has not reached school age, is in care code H1 or H2<br>(b) 2nd child, unless the child is under 19 months, whether or not receiving care surrounding school day<br>(c) each child in addition to the 1st or 2nd child, as applicable, whether or not receiving care surrounding school day | \$147                                    |
| 5    | L2                       | Care Surrounding School Day – 1st child of school age unless another child in the family, who has not reached school age, is in care code H1 or H2  | \$210                                    |

Copyright © 2018, Province of British Columbia