

Part C – Decision Under Appeal

The Appellant appealed the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (the “Ministry”) dated August 15, 2025. The Ministry found that the Appellant is ineligible to receive an administrative underpayment of backdated disability assistance benefits for the period of December 2011 to December 2024.

The Appellant advised that she should be entitled to these benefits because she was only receiving Canada Pension Plan Disability (CPP-D) benefits that amounted to less than her monthly rate of disability assistance during this period. The Ministry finds that it did not fail to provide disability assistance benefits that the Appellant was entitled to receive for the period of December 2011 to December 2024 as the result of an administrative error.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (“the Act”) – Sections 3 and 10

Employment and Assistance for Persons with Disabilities Regulation (“the Regulation”) - Section 10(2) and Section 23, subsection (1.2)

Text of the above legislation is attached at the end of the decision.

Part E – Summary of Facts

A hearing was held October 20, 2025, with the Appellant and her advocate appearing in person. The Ministry was not represented at the hearing. The Panel proceeded under the authority of Section 86(b) of the Employment and Assistance Act.

Evidence Available at Reconsideration

- The Appellant is a sole recipient of disability assistance. She has held Persons with Disabilities (PWD) designation since July 5, 2010.
- In October 2011, the Ministry received information to indicate that the Appellant had received a lump sum of \$18,501.07 Canada Pension Plan (CPP-D) benefits.
- On November 28, 2011, she called the Ministry to ask about her eligibility for December 2011 disability assistance benefits. The Ministry advised her that she had been found ineligible to receive these benefits because of the lump sum payment of CPP-D benefits that she received in October 2011, which exceeded the applicable rate of disability assistance she was eligible to receive for that month. The Appellant stated that she understood this information and asked when she would be able to receive disability assistance again. The Ministry advised her that she needed to submit confirmation that her assets were not more than the applicable asset limit for her family unit (which, at that time, was \$10,000.00). The Appellant explained that the funds were put into a savings account, though she was unsure of the type of account. She advised she would submit documents to establish the type of account for the Ministry to review.
- On March 19, 2012, the Appellant called the Ministry to ask if she was eligible for disability assistance, which she had not received since November 2011. The Ministry advised her of her family unit's asset limit. She explained that she had exhausted all her CPP payment. She stated that she would submit a 60-day bank statement and bank profile document to confirm this.
- On March 20, 2012, the Appellant called the Ministry and stated that to her understanding, cheque production was turned off for her disability assistance benefits because of a retroactive payment of a family bonus (approximately \$17,000.00) that she received in September 2011. The Ministry advised her to submit bank statements showing transaction history from the time when her retroactive payment was received, with explanations for any large expenses incurred since then.
- On April 18, 2012, the Appellant submitted bank statements from her account (last three digits 707) showing transaction history for the months of January and February 2012. These statements show \$873.29 deposits received from the Government of Canada for the Appellant's CPP-D benefits on January 27 and February 27, as well as e-transfer deposits received from a person for \$750.00 on January 30 and \$550.00 on February 28.
- On April 19, 2012, the Ministry reviewed the submitted bank statement. The Ministry noted that the person from whom the Appellant received the \$550.00 and \$750.00 e-

transfer deposits in January and February 2012 is listed as the respondent on her closed family maintenance file. The Ministry called her, and she declared that she never cashed the \$17,000.00 cheque received, as she signed it over to her parents to repay them for money they had given her in the past two years. The Ministry advised her that she still needed to submit bank statements showing from September 2011 to December 2011, as well as March 2012 to present. The Ministry also directed her to submit receipts for any large purchases she had recently made, as well as a letter from her parents explaining when they gave her money and in what amount she had repaid them.

- On July 17, 2012, the Appellant's request to have her disability assistance benefits reinstated was closed as abandoned, as she had not submitted the outstanding documents she was directed to provide.
- On May 13, 2013, the Appellant attended the local office to enquire about having her benefits reinstated. The Ministry reviewed what she was eligible to receive. The Ministry noted that she was currently receiving \$889.01 monthly CPP-D benefits and \$500.00 monthly family maintenance. Based on this information, the Ministry advised her that she would not be eligible to receive reinstated disability assistance benefits. The Ministry advised her to come back to the office for an appointment if anything changed for her in the future. She stated that she understood.
- On January 16, 2025, the Appellant reapplied for disability assistance benefits. During a phone conversation with the Ministry, she declared that she was never receiving \$500.00 monthly family maintenance.
- On February 13, 2025, the Appellant called the Ministry and advised that she had not received a single disability assistance payment since 2011, and she has made several attempts to discuss why she was only receiving CPP-D benefits that amount to less than her monthly rate of disability assistance. She explained that she was told this was because she was receiving spousal support, but no order was ever set forth for spousal support, but just child support. She never received either.
- On February 18, 2025, the Appellant was found eligible to receive disability assistance. The Ministry issued her disability assistance benefits for January and February 2025, minus the amount she is currently receiving from her monthly CPP-D benefits.
- On February 26, 2025, the Ministry received an inquiry from the office of the Appellant's Member of the Legislative Assembly (MLA) seeking clarification as to why she had not received disability assistance in the past 13 years. The Ministry then initiated a review of her file.
- On June 2, 2025, the Ministry completed a review of the Appellant's file and determined that she was not eligible to receive an administrative underpayment of backdated disability assistance benefits for the period of December 2011 to December 2024. The Ministry found that these benefits were not withheld as the result of a Ministry error. The Ministry noted the following:

- The Appellant did not submit the outstanding documents that she was directed to provide in 2011 and 2012, as required to establish her eligibility.
- When the Appellant contacted the Ministry in 2013, she was advised that her income from CPP-D and family maintenance exceeded the applicable rate of disability assistance for her family unit. This was supported by bank statements she submitted, which showed deposits received from CPP-D and the respondent on her closed family maintenance file. She did not dispute this information at that time. Family maintenance payments were not considered an exempt form of income in 2013.
- The Ministry noted that she was advised to reapply in future if her circumstances changed, and she did not reapply or otherwise contact the Ministry until January 2025. The Ministry attempted to call her to advise her of this decision but was unable to reach her.
- On June 12, 2025, the Appellant called the Ministry and was advised of the decision to deny her an administrative underpayment of backdated disability assistance benefits for the period of December 2011 to December 2024. She requested a reconsideration of this decision.
- On July 16, 2025, the Appellant called the Ministry and advised that she still wished to proceed with her reconsideration request. She explained that she needed an extension on the timeline for her reconsideration request, as she needed more time to work with the office of her MLA. The Ministry accepted this as a verbal signature on her request for reconsideration form and granted her request for an extension.
- On August 14, 2025, the Appellant submitted additional information in support of her Request for Reconsideration. She explained the following:
 - She never received child or spousal support on a regular or consistent basis. The father of her child sent money for December 2011/January 2012, as per the bank statement on file. However, this was a one-time situation, as he was paying her back for something.
 - She has added 2019/2020 statements, as this is as far back as she can go. She can provide more if needed to show that he did not pay support for her child.
 - She should have been eligible to receive a PWD top-up. In support of this information, she submitted bank statements from her account (last three digits 707) showing transaction history for the months of February 2019 and February 2020.

Evidence Available after Reconsideration

- A Notice of Appeal dated September 19, 2025, was submitted with a position statement attached. It was written by the Appellant's advocate, and in summary it stated the grounds of appeal as follows:

- At the time the Appellant visited the Ministry office on May 30, 2013, to inquire about her eligibility, she was denied access to disability benefits at this time and was told to request a review if her circumstances changed.
- At this time, the disability assistance benefits program was undergoing significant change, shifting from monthly income limits to an Annual Earning Exemption (AEE).
- On January 1, 2013, the Ministry began Phase 1 of this change with a pilot involving 5,000 recipients, allowing earning exemptions to be used on an annual rather than a monthly basis. This was known to Ministry workers.
- On January 1, 2014, the Ministry expanded the AEE program.
- On January 1, 2015, the AEE program was expanded, when all disability assistance benefit recipients were automatically transitioned to the AEE process for their 2015 earnings.
- The Appellant did not receive the benefit of this transition to the AEE in 2015, even though she was so entitled.
- The Ministry should have advised the Appellant on May 30, 2013, of the impending change to AEE.
- The Appellant being ineligible in May 2013, by virtue of monthly income at the time of the change was not automatically included in the program despite her new-found eligibility.
- The Ministry at all times relevant to this transition in 2013, had the requisite information to re-institute her disability assistance benefits as early as January 1, 2014, and no later than January 1, 2015.
- Therefore, as the Ministry knew the Appellant was a PWD-designated person with a known level of income reported, she should have been automatically re-enrolled in the PWD income assistance program.
- Alternatively, the Ministry should have, at a minimum, provided sufficient notice to the Appellant to apply herself, either by informing her at their meeting on May 30, 2013, regarding her eligibility, or by mail or email on or around January 1, 2025, when the AEE was fully implemented.

The Hearing

Appellant Submissions

The Appellant's advocate summarized their position as stated in his submission attached to the Notice of Appeal. The advocate explained the following:

- The court-ordered family support was paid to the Appellant very "occasionally".
- There was a great deal of communication between the Appellant and the Ministry, some of which is no longer fresh in her memory, due to the passage of time.

- At the Appellant's meeting with the Ministry in May 2013, to determine if she was eligible for disability assistance, it was indicated to her that because of her CPP-D payments and family support payments she was ineligible.
- The family support payments were not consistently paid and only on an occasional basis.
- A new process the Ministry was introducing for an annual earnings exemption (AEE) to determine eligibility for disability assistance was being implemented on a gradual basis.
- This is relevant as the Appellant was a PWD client who historically got benefits, although she was not getting benefits in May 2013, as she was deemed to have "income in excess" due to payment of her CPP-D and family support and exceeded the permitted limit.
- The Ministry made no mention to the Appellant in May 2013, that the AEE process was being introduced, and how it would favourably impact her eligibility.
- As the Ministry has the aim to provide British Columbians in need with a system of supports to help them achieve their social and economic potential, it has a duty of care to keep clients informed. Therefore, at the meeting in May 2013, the Ministry had a duty to inform the Appellant of the changes being implemented, namely the adoption of the AEE process.
- The Appellant had no change of income between May 2013 and January 2025, at which time, and in accordance with her instructions from the Ministry, enquired at the Ministry's office as to her eligibility.
- If the Ministry had properly fulfilled its duty to the Appellant and had notified her of the adoption of the AEE process, she would have attended the office to see if she was qualified for disability assistance due to this change.
- Given the imbalance in power between the Ministry and the Appellant, and in the interests of fairness, the Ministry should exercise its discretion in a way that favourably considers its clients. They should have a duty of care to reach out to their clients with notice of an administrative change (AEE), that could impact them in a positive way.

The advocate argued that if the Appellant had been properly notified, the Ministry would have established her eligibility to receive disability assistance under section 23(4) of the Regulation which states:

- (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.

The advocate submitted that if section 23(4)(a) of the Regulation applies, the Appellant would be eligible to receive back payments from either January 1, 2014, or January 1, 2015. He further

stated that if section 23(4)(b) of the Regulation applies, the Appellant would be eligible to receive back payments from February 18, 2025, the date when she was found eligible to receive disability assistance.

In response to questions from the Panel, the advocate and the Appellant responded as follows:

- The advocate could not offer any statutory authority for the proposition that the Ministry owes a duty of care to inform their clients of administrative changes impacting possible eligibility.
- Broadly speaking the advocate stated that such a duty of care is founded on the Ministry's responsibility to help people in hardship as it is more expensive to have people unhoused than it is to pay out disability assistance.
- The Ministry has a custodial duty, namely, to look after another person, or a responsibility of care or control over people who have secured a PWD designation, and the Ministry did contact many clients to access the new AEE process. The Appellant was not contacted, as she was not currently eligible to receive disability assistance, and therefore she was not in monthly contact with the Ministry.
- The Ministry made two administrative errors:
 - Failure to contact and inform the Appellant of the AEE process, and
 - Failure to find the Appellant eligible with the application of AEE.
- The Appellant would have provided whatever documents the Ministry requested, and she believed she had complied with all past requests. She may have been delayed by virtue of her disabilities; however, she would have responded to requests for documents.
- The Appellant could only provide documents going back about seven years.
- The Appellant got conflicting information from Ministry staff as to whether she was eligible or not.
- The Appellant had infrequent contact with the Ministry from 2013-2025, because she received no contact from the Ministry.

Ministry Submissions

The Ministry was not represented at the hearing, and there were no further submissions after the Reconsideration Decision.

Admissibility of New Evidence

Under section 22(4) of the *Employment and Assistance Act*, the Panel may admit evidence that is reasonably required for a full and fair disclosure of all matters related to the decision under appeal. Any new evidence that either or the parties tender or express in testimony is admitted on that basis, by default, and any that is substantive or contextually relevant to the decision will

be discussed below. However, if any new evidence is not admitted, the Panel will describe the reasons.

In this matter the Panel heard oral submissions with testimony from the Appellant only and received the advocate's Notice of Appeal submission on the Appellant's behalf. The Panel accepted it all into evidence for consideration as it was reasonably required for a full and fair disclosure of matters related to the decision under appeal.

Part F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the Ministry's Reconsideration Decision that the Appellant is ineligible to receive an administrative underpayment of backdated disability assistance benefits for the period of December 2011 to December 2024. Was the Ministry reasonable when it found the Appellant failed to report a change in her circumstances as required by the Ministry to establish the value of her assets and income to determine her eligibility for assistance?

Appellant Position

The Appellant is requesting an administrative underpayment of backdated disability assistance benefits for the period of December 2011 to December 2024. She advised the Ministry that she should be entitled to these benefits because she was only receiving Canada Pension Plan Disability (CPP-D) benefits that amounted to less than her monthly rate of disability assistance during this period. The Appellant states that the Ministry owed her a duty to contact her about the introduction of the AEE process, which she submits would certainly have established her eligibility. The Ministry failed to do so.

Ministry Position

The Appellant's disability assistance benefits were suspended in the December 2011 benefit month after the Ministry received information to indicate that she had received a lump-sum of CPP-D benefits, which exceeded the applicable asset limit determined for her family unit. The Ministry required the Appellant to submit documentation to establish the value of her assets to determine her ongoing eligibility for assistance, and she advised she would submit the required documents. She was reminded in April 2012 of the need to submit the required documents; however, she did not submit any documentation.

When the Appellant contacted the Ministry on May 30, 2013, to enquire about reinstating her benefits, the Ministry advised that since she was receiving excess ongoing income from CPP-D and family maintenance she was not eligible; she did not dispute this. The Ministry found it reasonable to conclude that the Appellant accepted this decision that she was not eligible. The Appellant neither reapplied for disability assistance benefits, nor contacted the Ministry again, until January 16, 2025, despite the Ministry having advised her to contact it, if anything changed for her in the future. The Ministry did not fail to provide disability assistance benefits to the Appellant that she was entitled to receive for the period of December 2011 to December 2024, as the result of an administrative error. The Appellant failed to provide the information required to establish her eligibility under section 10(2) of the Regulation which states:

A family unit is not eligible for disability assistance if any of the following apply:

- (a)
- (b) an applicant or recipient has one or more dependents and the family unit has assets with a total value of more than \$10 000.

Panel Decision

The Appellant is requesting an administrative underpayment of backdated disability assistance benefits for the period of December 2011 to December 2024. She states that she should be entitled to these benefits because she was only receiving Canada Pension Plan Disability (CPP-D) benefits that amounted to less than the monthly rate of disability assistance during this period. The Appellant's disability assistance benefits were suspended in the December 2011 benefit month after the Ministry received information to indicate that she had received a \$18,501.07 lump-sum of CPP-D benefits. Since the value of this lump-sum exceeded the \$10,000.00 applicable asset limit determined for her family unit under Section 10(2) of the Regulation, the Ministry required her to submit documentation to establish the value of her assets to determine her ongoing eligibility for assistance, as is required under Section 10(1.1) of the *Act* which reads:

The minister may, for the purpose of determining or auditing eligibility for disability assistance, hardship assistance or a supplement, do one or more of the following:

- (a) direct an applicant or recipient to supply the minister with information within the time and in the manner specified by the minister;
- (b) seek verification of any information supplied to the minister by an applicant or recipient;
- (c) direct an applicant or recipient to supply verification of any information the applicant or recipient supplied to the minister.

The Ministry notified the Appellant of this requirement, and she advised she would submit the required documents. The Appellant was then reminded in April 2012 of the requirement to submit bank statements showing transaction history back to the date when she received the CPP-D lump sum. However, the Appellant did not submit any such documentation. Upon reconsideration, the Ministry found that it was reasonable to request information to verify her eligibility for assistance with respect to the value of her assets, and that she was adequately notified of this requirement but did not provide this information as directed. The Appellant then contacted the Ministry on May 30, 2013, to enquire about having her benefits reinstated. The Ministry discussed the Appellant's eligibility with her and noted that she was receiving excess ongoing income from CPP-D and family maintenance. The Appellant did not dispute this information. The Ministry then found it reasonable to conclude that she accepted the Ministry's decision at that time. The Appellant has since advised that she was never receiving family maintenance payments on a consistent basis, and that she only received two deposits from the

father of her child in December 2011 and January 2012. However, the Appellant did not reapply for disability assistance benefits or otherwise contact the Ministry again until January 16, 2025, despite the Ministry advising her to contact the Ministry if anything changed for her in the future.

The Panel finds that the Ministry did not fail to provide the Appellant with disability assistance benefits she was entitled to receive for the period of December 2011 to December 2024, as the result of an administrative error. Section 10(1.1) of the *Act* makes it very clear that the minister may, for the purpose of determining eligibility for disability assistance, direct an applicant to supply the minister with information specified by the minister.

The Panel then considered the question of when the Appellant become eligible for disability assistance. The Appellant neither reapplied for disability assistance benefits, nor contacted the Ministry again, until January 16, 2025, when she reapplied for disability assistance, despite the Ministry having advised her to contact it, if anything changed for her in the future. The Panel considered Section 23 (1.2) of the Regulation which provides as follows:

A family unit of an applicant for disability assistance who has been designated as a person with disabilities becomes eligible for

- (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, 7 and 8 (2) (b) of Schedule A on the disability assistance application date. [B.C. Reg. 151/2018]

The Appellant became eligible for a support allowance on her income assistance application date, and a shelter allowance on the first day of the calendar month that includes the income application date. The Ministry determines the Appellant's application date was January 16, 2025. Therefore, she is not eligible to receive assistance prior to this application date. The Panel agrees with the Ministry's finding and finds that the Appellant is ineligible to receive an administrative underpayment of backdated disability assistance benefits for the period of December 2011 to December 2024. The Appellant failed to provide the documentation as requested that would have enabled the Ministry to establish eligibility during this earlier period of time. The Panel therefore finds that the Ministry's Reconsideration Decision to deny eligibility for the time in question was a reasonable decision on the facts and the legislation in the Appellant's circumstances.

The Panel next addresses the position of the Appellant that the Ministry owed her a duty to contact her about the introduction of the AEE process, which she argues would certainly have established her eligibility, and the Ministry failed to do so.

The Appellant's position is that the Ministry made no mention to her in May 2013, that the AEE process was being introduced, and how it would favourably impact her eligibility. As the Ministry has the aim to provide British Columbians in need with a system of supports to help them achieve their social and economic potential, it has a duty of care to keep clients informed. Therefore, at the meeting in May 2013, it is submitted that the Ministry had a duty to inform the Appellant of the changes being implemented, namely the adoption of the AEE process. When the Appellant did as the Ministry required and enquired at the Ministry's office as to her eligibility, if the Ministry had properly fulfilled its duty to the Appellant by notifying her of the adoption of the new AEE process, she would have been found eligible for disability assistance due to this change. Given the imbalance in power between the Ministry and the Appellant, and in the interests of fairness, the Ministry should exercise its discretion in a way that favourably considers its clients.

The Panel finds that this line of reasoning fails to assist the Appellant's position. The relevant legislation is Section 10(1.1)(a) of the *Act* which provides that the minister may, for the purpose of determining eligibility for disability assistance, direct an applicant or recipient to supply the minister with information within the time and in the manner specified by the minister. Even if the Panel found there is such a duty of care to contact clients, as advocated by the Appellant, the fact remains that she failed to provide the documentation that had been requested by the Ministry, which was required Section 10 (1.1) of the *Act*. This requested and required documentation was needed by the Ministry before it could establish the Appellant's eligibility for disability income benefits, whether it applied the new AEE process or not.

Conclusion

Based on all available evidence, the Panel finds that the Ministry's Reconsideration Decision which determined that the Appellant is ineligible to receive an administrative underpayment of backdated disability assistance benefits for the period of December 2011 to December 2024, is supported by the evidence and is a reasonable interpretation of the legislation in the circumstances of the Appellant.

The Ministry's reconsideration decision is confirmed. The Appellant is not successful on appeal.

Relevant Legislation

Employment and Assistance for Persons with Disabilities Act

Eligibility of family unit

3 For the purposes of this Act, a family unit is eligible, in relation to disability assistance, hardship assistance or a supplement, if

- (a) each person in the family unit on whose account the disability assistance, hardship assistance or supplement is provided satisfies the initial and continuing conditions of eligibility established under this Act, and
- (b) the family unit has not been declared ineligible for the disability assistance, hardship assistance or supplement under this Act.

Information and verification

10 (1) [Repealed 2024-4-22.]

(1.1) The minister may, for the purpose of determining or auditing eligibility for disability assistance, hardship assistance or a supplement, do one or more of the following:

- (a) direct an applicant or recipient to supply the minister with information within the time and in the manner specified by the minister;
- (b) seek verification of any information supplied to the minister by an applicant or recipient;
- (c) direct an applicant or recipient to supply verification of any information the applicant or recipient supplied to the minister.

(1.2) The minister may, for the purpose of assessing employability and skills, do one or more of the following:

- (a) direct a recipient or dependent youth to supply the minister with information within the time and in the manner specified by the minister;
- (b) seek verification of any information supplied to the minister by a recipient or dependent youth;
- (c) direct a recipient or dependent youth to supply verification of any information the recipient or dependent youth supplied to the minister.

(2) The minister may direct an applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for disability assistance, hardship assistance or a supplement.

(3) [Repealed 2024-4-22.]

(4) If an applicant or a recipient fails to comply with a direction under subsection (1.1), the minister may

- (a) reduce the amount of disability assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period, or
- (b) declare the family unit ineligible for disability assistance, hardship assistance or a supplement for the prescribed period.

(4.1) The Lieutenant Governor in Council may prescribe circumstances in which subsection (4) (a) or (b) does not apply.

(5) [Repealed 2024-4-22.]

Employment and Assistance for Persons with Disabilities Regulation

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;
- (b.1) any income earned by a dependent child [B.C, Reg. 455/2024];
- (c) a family unit's place of residence;
- (c.1) money received from the sale of a family unit's place of residence, during the exemption period described in subsection (1.2) [B.C, Reg. 455/2024];
- (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 8.3 [*renter's 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; [B.C. Reg. 151/2018]
- (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
 - (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. 980463, 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) and (v.1) Repealed. [BC Reg. 99/2023, App. 2,s.2(a)]
- (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.]
- (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;
- (dd.1) payments granted by the government of British Columbia under an agreement referred to in section 12.4 of the *Child, Family and Community Service Act* [B.C. Reg. 455/2024];
- (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);
- (hh.1) a rental housing benefit provided under the *Renal Housing Benefit Act* (Canada);
- (hh.2) a dental benefit provided under the *Dental Benefit Act* (Canada);
- (hh.3) a Canada disability benefit payment made under section 5 of the *Canada Disability 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 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;

(ww.2) a BC family 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;

(yy.3) money paid or payable from the recognition fund that is established by the government of British Columbia in relation to the forcible removal of children of the Sons

of Freedom Doukhobors, and detention at the New Denver facility, between 1953 and 1959;

(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) and (ddd) Repealed. [B.C. Reg. 99/2023, App. 2, s. 2 (a).]

(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;

(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) to (III) Repealed. [B.C. Reg. 99/2023, App. 2, s. 2 (a).]

(mmm) a voted support payment.

(nnn) money that is paid or payable under or from an Indigenous financial settlement.

(ooo) money that is paid or payable to or for an injured person in relation to the injury if

(i) the money is paid or payable for the purpose of covering expenses that are necessary only because of the injury, or

(ii) the money is not paid or payable for a specific purpose and the minister is satisfied that the money will be used to cover expenses that are necessary only because of the injury. [B.C, Reg. 455/2024]

(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).

(1.2) The exemption under subsection (1) (c.1) applies to

- (a) the calendar month in which a person receives the money referred to in that subsection and the 3 subsequent calendar months, and
- (b) if the minister is satisfied that the person is making reasonable efforts to purchase another primary residence for the family unit, one or more further calendar months approved by the minister. [B.C, Reg. 455/2024]

(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.

(4) If money is paid under or from an Indigenous financial settlement to an Indigenous governing body, the exemption under subsection (1) (nnn) includes investment income earned on that money by the Indigenous governing body before it is distributed to a person.

Asset limits (as it read prior to December 1, 2015)

10 (2) A family unit is not eligible for disability assistance if any of the following apply:

- (a) a sole applicant or sole recipient has no dependent children and has assets with a total value of more than \$5 000;
- (b) an applicant or recipient has one or more dependants and the family unit has assets with a total value of more than \$10 000.

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
- (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, 7 and 8 (2) (b) of Schedule A on the disability assistance application date. [B.C. Reg. 151/2018]
- (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. Reg. 244/2024]
- (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 (1) 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 (1) of this regulation. [B.C. Reg. 244/2024]

(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.

(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; 85/2022, App. 2, s. 2; 21/2023, App. 2, s. 2.]

APPEAL NUMBER 2025-0324

Part G – Order

The panel decision is: (Check one) ☒ **Unanimous** ☐ **By Majority**

The Panel ☒ **Confirms the Ministry Decision** ☐ **Rescinds the Ministry Decision**

If the ministry decision is rescinded, is the panel decision referred back
to the Minister for a decision as to amount? Yes ☐ No ☐

Legislative Authority for the Decision:

Employment and Assistance Act

Section 24(1)(a) ☒ or Section 24(1)(b) ☐

Section 24(2)(a) ☒ or Section 24(2)(b) ☐

Part H – Signatures

Print Name

Bill Farr

Signature of Chair

Date (Year/Month/Day)

2025/10/25

Print Name

Warren James Fox

Signature of Member

Date (Year/Month/Day)

2025/10/27

Print Name

Karla Jarvis

Signature of Member

Date (Year/Month/Day)

2025/10/28