

Appeal Number 2025-0376

### **Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) Reconsideration Decision dated November 7, 2025, which determined the appellant was not eligible for income assistance until December 1, 2025, according to the Employment and Assistance Regulation (sections 1 and 16), because he is enrolled as a full-time student in a funded program of studies until November 21, 2025.

### **Part D – Relevant Legislation**

*Employment and Assistance Act (Act), section 2*

Employment and Assistance Regulation (Regulation), sections 1 and 16

Canada Student Financial Assistance Regulation, section 2(1)

Relevant sections of the legislation can be found in the Schedule of Legislation at the end of this decision.

## **Part E – Summary of Facts**

The hearing was held as a written hearing on December 29, 2025.

### **Relevant Evidence Before the Ministry at Reconsideration**

#### **Ministry Records show:**

- The appellant had been a sole recipient of income assistance.
- On July 29, 2025, the appellant again applied for income assistance indicating he was enrolled in school.
- On August 12, 2025, the appellant advised the ministry that he was in school full-time completing a “self paced” program with no student loans.
- On August 13, 2025, the ministry found the appellant eligible for income assistance. However, this decision was made in error.
- On October 1, 2025, the ministry received information from an electronic data match indicating that the appellant was in receipt of student financial aid. The ministry requested the appellant’s student loan Notice of Assessment and confirmation from the college to confirm the period of study and status as either a full or part-time student.
- On October 23, 2025, the appellant confirmed that he had applied for and received a student loan to attend the study program through a college and that he was having trouble obtaining the requested information due to the strike.
- Based on the information on the appellant’s student loan data match, the ministry advised the appellant that he was not eligible for income assistance because he was a full-time student in a funded program of studies (January 27, 2025, to November 21, 2025).
- On October 24, 2025, the appellant submitted his Request for Reconsideration.

#### **Request for Reconsideration (October 24, 2025)**

The appellant states his income assistance was cancelled after he received a student loan. He lived off his student loan from January until August, but it wasn’t enough to cover his living expenses. When his money ran out, he had no way to support himself, so applied for income assistance to help with basic needs like rent, food, and transportation.

The appellant adds that he is trying to improve his situation by going to school and just needs some support to get by while finishing his program. He is asking to have his assistance reinstated so he can continue his education without falling into financial hardship.

## **Student Financial Aid System - Application and Student Status Report**

Income: \$629.60

Estimated Total Award: \$22,360

### Program Information

Program Length: 43 weeks

Start Date: 2025-01-27

End Date: 2025-11-21

Course Load: 100

## **Information Received After Reconsideration**

### **Notice of Appeal (November 13, 2025)**

#### *Reason for Appeal*

The appellant states that he received a student loan as a full-time student. However, the loan only covered his tuition and some living expenses. He ran out of money in August 2025 and no longer had sufficient funds to cover rent or necessities. Without income assistance, the appellant is at serious risk of homelessness and may be forced to quit his studies, which would prevent him from improving his future and achieving financial independence.

The appellant also states that he is committed to continuing his education and is able to look for full-time work while attending school, as his program allows flexible scheduling. Income assistance is essential for maintaining stable housing and continuing his studies without interruption.

Neither the appellant nor the ministry made any further submissions.

### **Admissibility of New Evidence**

The panel determined all the additional evidence from the appellant in the Notice of Appeal is reasonably required for a full and fair disclosure of all matters related to the decision under appeal and therefore is admissible as evidence under section 22(4) of Act. The ministry did not provide any new evidence.

## **Part F – Reasons for Panel Decision**

The issue on appeal is whether the ministry's Reconsideration Decision was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, did the ministry reasonably determine the appellant was not eligible for income assistance because he is enrolled as a full-time student in a funded program of studies until November 21, 2025?

### **Appellant Position**

The appellant submits that he lived off his student loan from January until August, but it wasn't enough to cover his living expenses. Without income assistance he is at serious risk of homelessness and may be forced to quit his studies, which would prevent him from improving his future and achieving financial independence.

### **Ministry Position**

The ministry submits that as the appellant is currently attending the study program in a college and received a student loan for this program, this constitutes a *funded program of studies* as defined under section 1 of the Regulation.

As well, according to information received through the student loan data match, the appellant is enrolled at 100% course load, which meets the definition of a full-time student under section 1 of the Regulation.

Under section 16(2) of the Regulation, the period of ineligibility extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams occur. Based on the information provided, the program is scheduled to end on November 21, 2025. Therefore, the appellant is not eligible for income assistance until December 1, 2025, provided all other eligibility requirements are met.

While the ministry is empathetic to the appellant's circumstances, legislation does not allow for discretion when considering the effect of being a full-time student with regard to eligibility for income assistance. The ministry noted the appellant's file will be referred back to the ministry to complete a file review and assess eligibility for income assistance starting December 1, 2025.

## **Panel Analysis**

### Section 2, Act - eligibility

Section 2 of the Act states, a family is eligible for income assistance if the initial and continuing conditions of eligibility established under this Act are satisfied.

### Section 1, Regulation – definitions of full-time student and funded program of studies

Section 1 of the Regulation states, “full-time student” has the same meaning as in the Canada Student Financial Assistant Regulations, which states a full-time student is someone who is enrolled in courses that constitute at least 60 per cent of a course load - recognized by the designated educational institution as a full course load.

The panel notes information in the “Application and Student Status” report shows “Course Load: 100”. In his Notice of Appeal, the appellant states that he received a student loan as a full-time student. There is no dispute that the course is full-time. Therefore, the panel finds the ministry reasonably determined the appellant was a full-time student.

Section 1 of the Regulation also states a funded program of studies means a program of studies for which funding, provided to students under the *Canada Student Financial Assistance Act*, may be provided to a student enrolled in it. Ministry records show that on October 23, 2025, the appellant confirmed he had received a student loan to attend the program. The “Application and Student Status” report shows an estimated total award of \$22,360. The appellant doesn’t dispute that he received a student loan. With the above evidence, the panel finds the ministry reasonably determined the appellant was in a funded program of studies.

### Section 16, Regulation – full-time student effect on family

Section 16(1) of the Regulation states a family is not eligible for income assistance if a recipient is enrolled as a full-time student in a funded program of studies unless enrolled in a funded program of studies with the prior approval of the minister. Section 16(2) states that the period extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams are held. The panel notes the “Application and Student Status” report shows the program start date as January 27, 2025 and the end date as November 21, 2025. The panel also notes ministry records state that the appellant is not eligible for income assistance until December 1, 2025 (provided all other eligibility requirements are met).

As the panel found the ministry reasonably determined that the appellant was a full-time student in a funded program of studies, it also finds the ministry reasonably concluded

that the appellant was not eligible for income assistance while in the program (January 27, 2025, to November 21, 2025), according to section 16(2) of the Regulation. Also, the panel notes there is no evidence to demonstrate that the program had ministerial approval.

As section 16(2) of the Regulation states the period extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams are held, the panel finds the ministry reasonably determined the appellant was not eligible for income assistance until December 1, 2025.

### **Conclusion**

In conclusion, the panel finds the ministry decision that determined the appellant was not eligible for income assistance until December 1, 2025 because he was enrolled as a full-time student in a funded program of studies until November 21, 2025, was reasonably supported by the evidence.

The panel confirms the ministry's Reconsideration Decision. The appellant's appeal is not successful.

## Schedule of Legislation

### Employment and Assistance Act

#### **Eligibility of family unit**

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

- (a)each person in the family unit on whose account the income assistance...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 income assistance... under this Act.

### Employment and Assistance Regulation

#### **Definitions**

**1** (1)In this regulation:

"full-time student" has the same meaning as in the Canada Student Financial Assistance Regulations (Canada);

"funded program of studies" means a program of studies for which funding provided to students under the *Canada Student Financial Assistance Act* may be provided to a student enrolled in it;

#### **Effect of family unit including full-time student**

**16** (1)Subject to subsection (1.1), a family unit is not eligible for income assistance for the period described in subsection (2) if an applicant or a recipient is enrolled as a full-time student

(a)in a funded program of studies...

(1.1)Subsection (1) (a) does not apply to a family unit that includes a recipient who is enrolled in a funded program of studies with the prior approval of the minister under subsection (1.2) during the period described in subsection (2).

(1.2)For the purposes of subsection (1.1), the minister may approve a person to enroll in a funded program of studies if the person

(a)is a recipient of income assistance,

(b)is required to enroll in the program of studies as a condition of an employability plan, and

(c)was receiving income assistance, hardship assistance or disability assistance in each of the immediately preceding 3 calendar months, unless the minister is satisfied that exceptional circumstances exist.

(2)The period referred to in subsection (1)

(a)extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams in the relevant program of studies are held, and

(b)is not longer than 2 years.

Canada Student Financial Assistance Regulation – Section 2(1)

**Interpretation**

**2 (1)** In the Act and these Regulations, *full-time student* means a person

- (a) who
  - (i) during a confirmed period within a period of studies, is enrolled in courses that constitute at least 60 per cent of a course load recognized by the designated educational institution as constituting a full course load,
  - (ii) has as their primary occupation during that confirmed period the pursuit of studies in those courses, and
  - (iii) meets the requirements of subsection 5(1) or 7(1) or section 7.01 or 33, as the case may be; or
- (b) who elects to be considered as a full-time student under section 2.1; (*étudiant à temps plein*)

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**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

Connie Simonsen

Signature of Chair

Date (Year/Month/Day)

2025/12/30

Print Name

Cecilia Low

Signature of Member

Date (Year/Month/Day)

2025/12/30

Print Name

Susanne Dahlin

Signature of Member

Date (Year/Month/Day)

2025/12/31