



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **SOCIAL ASSISTANCE ACT REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to July 1, 2018. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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**SOCIAL ASSISTANCE ACT****Chapter S-4.3****REGULATIONS**

Pursuant to section 7 of the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3, Council made the following regulations:

**INTERPRETATION, APPLICATION****1. Definitions****(1) In these regulations**

- (a) “**Act**” means the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3;
- (b) revoked by EC628/05;
- (c) “**agent**” means an adult person who applies for, or has applied for, assistance on behalf of an applicant;
- (d) “**applicant**” means
  - (i) a person who applies for social assistance, or
  - (ii) a person who receives social assistance;
- (e) “**comfort allowance**” revoked by EC628/05;
- (f) “**dependent**” means a person who wholly or substantially relies on an applicant for items of basic need;
- (g) “**Disability Support Program**” means a provincial program that provides support to a person with a disability;
- (h) “**emergency assistance**” means financial assistance granted to an applicant on a one-time basis for a period of time not exceeding one month;
- (i) “**established rates**” means the rates of financial assistance established by the Lieutenant Governor in Council under subsection 4.1(1) of the Act;
- (j) “**estate**” means the value of real and personal property of an applicant at the time of the applicant’s death, less mortgages and other secured debt and before estate expenses and disbursements;
- (k) “**financial resources**” means the financial resources of an applicant as determined by the Director in accordance with subsection 13(3);
- (l) “**healthy child allowance**” means an allowance paid under these regulations for cultural and recreational activities for a dependent minor child of an applicant;

- (m) “**items of basic need**” means items that are essential to maintain the minimum living requirements of an applicant and the applicant’s spouse and dependents, including food, drugs, shelter, fuel, real property taxes, fire insurance, utilities, clothing, personal requirements, household supplies, local transportation and a healthy child allowance;
- (n) “**items of special need**” means items of special need described in section 19;
- (o) “**liquid assets**” the liquid assets listed in subsection 13(4);
- (p) “**long-term assistance**” means financial assistance granted to an applicant for a period of four consecutive months or more;
- (q) “**nursing home**” revoked by EC628/05;
- (r) “**personal care allowance**” means an allowance paid under subsection 19(7);
- (s) “**person with a disability**” means a person in need who has a continuing intellectual, mental or physical impairment;
- (t) “**principal residence**” means the primary dwelling of an applicant at the time of an application under these regulations, and includes the property on which the dwelling is located, to a maximum of one acre;
- (u) “**short-term assistance**” means financial assistance granted to an applicant for a period of time not exceeding four consecutive months;
- (v) “**single applicant**” means an applicant who is unmarried, widowed, separated or divorced, and who is not living with another person as his or her spouse;
- (w) “**spouse**” means, in respect of an applicant, the husband or wife of an applicant and includes a person who, although not married to the applicant, lives with the applicant as if they were married;
- (x) “**transient person**” means a person who is present in the province and whose apparent intent is to visit temporarily in the province;
- (y) “**written policies**” means the written policies developed under subsection 4.4(5) of the Act.

**Director**

- (2) Revoked by EC628/05.

**Prescribed social services**

- (3) The following kinds of services are prescribed as social services:
  - (a) rehabilitation services;
  - (b) casework, counselling, assessment and referral services;
  - (c) homemaker, day-care and similar services;
  - (d) community development services;
  - (e) vocational training or activity centre services for a person with a disability;
  - (f) consultation, research and evaluation services respecting assistance programs;
  - (g) family health benefit programs;
  - (h) legal and related services.

**Approved residential institutions**

- (4) The following are approved residential institutions:
  - (a) hostels for transients;
  - (b) licensed community care facilities;
  - (c) group homes and other residential facilities for applicants with a disability;



- (d) transition homes. (EC396/03; 628/05)

## POLICIES

### 2. Established rates included in written policies

The Director shall ensure that the written policies include the established rates. (EC396/03)

## REVIEW

### 3. Annual review, rates and exemptions

The Lieutenant Governor in Council shall review annually

- (a) the established rates of financial assistance; and
- (b) exemptions from the calculation of financial resources

to determine their adequacy in meeting the needs of applicants. (EC396/03)

## APPLICATION

### 4. Application for social assistance

- (1) An application for social assistance shall be

- (a) completed by an applicant and the applicant's spouse, except where the Director
  - (i) is satisfied that the spouse does not reside with the applicant, or
  - (ii) determines that the signature of the spouse cannot be obtained; and
- (b) treated as a joint application by both spouses if the applicant resides with a spouse.

#### Agent of applicant

- (2) The Director

- (a) may accept an application from an agent of an applicant, where the Director is satisfied that the applicant is incapable of making the application personally by reason of infirmity, illness, minority or other cause; and
- (b) may enter into an agreement for repayment with an agent of the applicant under subsection 6.1(4) of the Act.

#### Letter

- (3) A letter received from an applicant or an agent may be considered by the Director as an application for social assistance pending receipt of the application form completed by the applicant or agent in accordance with these regulations.

#### Information and evidence

- (4) An applicant and the applicant's spouse shall provide such information and evidence in support of an application for social assistance as may be required under the Act and these regulations for the determination of the applicant's eligibility for assistance.

**Property of Minister**

- (5) A submitted application for social assistance and related documentation are the property of the Minister.

**Applicant's living arrangements**

- (6) The Director
- (a) in the case of an applicant who is living with another person as the apparent spouse of that person, shall consider the application to be a joint application; and
  - (b) may require an applicant to swear an affidavit respecting the applicant's living arrangements. *(EC396/03; 628/05)*

**5. Inquiries respecting applicant**

- (1) The Director shall inquire into the living conditions, financial resources and other circumstances of an applicant to determine whether the applicant is a person in need.

**Receipts**

- (2) Except in the case of an application for emergency assistance, an applicant shall provide to the Director receipts for drugs, shelter, fuel, utilities, real property tax, fire insurance and items of special need, as well as confirmation of financial resources and other information as may be required by the Director.

**Shared dwelling**

- (3) If an applicant is a member of a household of another person or shares a dwelling with another person, the Director may divide the actual expenses associated with the dwelling by the number of people sharing it.

**Case audits, monitoring**

- (4) The Director
- (a) shall conduct case audits and take such other action as may be necessary for the monitoring and evaluation of service delivery; and
  - (b) may report to the Minister on the conduct and results of such audits and other action taken under this subsection.

**Access to records, employees**

- (5) Revoked by EC628/05.

**Verification of information**

- (6) The Director shall conduct such investigations as he or she considers necessary to verify the information provided by an applicant. *(EC396/03; 628/05; 398/14)*

**6. Calculate needs and resources**

- (1) The test for determining whether an applicant is a person in need shall include the following calculations by the Director:
- (a) a calculation of amounts needed by the applicant for items of basic need and items of special need; and
  - (b) a calculation of the value of the financial resources of the applicant.



**Demonstrated need**

- (2) Where the calculations made under subsection (1) show that the needs of the applicant exceed the applicant's financial resources, the applicant is a person in need and the Director may grant financial assistance to the applicant.

**Unemployed applicant**

- (3) Where an applicant is unemployed and is a person in need, the Director may grant financial assistance to the applicant if the Director is satisfied that the applicant
- (a) is unemployed due to circumstances beyond the applicant's control;
  - (b) is willing to undertake employment for which the applicant is capable;
  - (c) is making reasonable efforts to secure employment, including active registration with local employment agencies;
  - (d) can provide, upon request, written confirmation that the applicant has been actively seeking employment; and
  - (e) is willing to accept available training.

**Voluntary absence from work**

- (4) Notwithstanding any other provisions of these regulations, an applicant who is a person in need and who is voluntarily absent from employment by reason of participation in or support of a strike is ineligible for social assistance for any needs resulting from or related to that absence.

**Applicant leaves work**

- (5) The Director shall refuse to grant financial assistance to an applicant who is voluntarily absent from employment or who has voluntarily terminated his or her employment without just cause.

**Medical reason for unemployment**

- (6) Where an applicant is unable to maintain or seek employment for a medical reason, the applicant shall provide to the Director a medical report prepared by a medical practitioner describing the nature, extent and expected duration of that medical reason.

**Indefinite duration of disability**

- (7) Revoked by EC398/14.

**Poor budgeting by applicant**

- (8) The Director may refuse to grant financial assistance to an applicant who is a person in need where the Director determines that the applicant is in need because the applicant has not budgeted income and expenses in a reasonable and responsible manner.

**Assignment, etc. of assets**

- (9) The Director shall refuse to grant financial assistance to an applicant if he or she determines that, within the two years preceding the date of the application, the applicant has made an assignment, sale or transfer of assets for the purpose of qualifying for financial assistance.

**Separation of spouses**

- (10) Where the Director determines that an applicant is separated from his or her spouse for the purpose of making the applicant eligible for financial assistance, the Director shall refuse, cancel or suspend assistance to the applicant. (EC396/03; 628/05; 398/14)

**7. Short-term financial assistance**

- (1) The Director may grant short-term financial assistance to an applicant
- (a) who has liquid assets which do not exceed \$2,500; or
  - (b) who is self-employed.

**Long-term assistance, single applicant**

- (2) The Director may grant long-term financial assistance to a single applicant who is a person in need if,
- (a) where the applicant does not have a disability and does not have dependents, the applicant has liquid assets not exceeding the value of \$2,500;
  - (b) where the applicant does not have a disability and has dependents, the applicant has liquid assets not exceeding the value of \$3,500, plus \$500 for each dependent, up to a maximum of \$6,000;
  - (c) where the applicant has a disability and does not have dependents, the applicant has liquid assets not exceeding the value of \$5,000; or
  - (d) where the applicant has a disability and has dependents, the applicant has liquid assets not exceeding the value of \$6,000, plus \$500 for each dependent, up to a maximum of \$8,500.

**Long-term assistance, couple**

- (3) The Director may grant long-term financial assistance to an applicant who lives with a spouse and is a person in need if,
- (a) where neither the applicant nor the spouse has a disability, the combined liquid assets of the applicant and spouse do not exceed the value of \$5,000, plus \$500 for each dependent child, if any, to a maximum of \$7,500; or
  - (b) where the applicant or the spouse has a disability, the combined liquid assets of the applicant and spouse do not exceed the value of \$10,000, plus \$500 for each dependent child, if any, to a maximum of \$12,500.

**Idem**

- (4) The Director may grant long-term financial assistance to a self-employed applicant if the Director determines that the future economic viability of the activity or business of the applicant has been established. (*EC396/03; 628/05; 400/18*)

**8. Liquid assets considered income**

- (1) The Director shall consider as income the liquid assets of an applicant which are in excess of the amounts as applicable allowed under section 7.

**Financial resources**

- (2) Unless the Director determines that it would be unreasonable to do so, as a condition of eligibility for assistance, an applicant shall explore financial resources which may be available from all sources, including parents, grandparents, siblings and adult children.

**Financial aid is financial resource**

- (3) The Director shall consider financial aid available to an applicant as a financial resource of the applicant.





**Assignment to the Director**

- (4) As a condition of eligibility for financial assistance, the Director may require an applicant to assign to the government any income or benefits paid to or payable to an applicant for any period for which financial assistance will be or has been granted.

**Maximum amounts**

- (5) The government is entitled to the income or benefits assigned under subsection (4) in an amount equal to the lesser of
- (a) the total amount of the assigned income or benefit; or
  - (b) the total amount of financial assistance received by an applicant during the period of time to which the income or benefit relates.

**Exception**

- (6) Subsection (4) does not apply to income or benefits that are exempt as a financial resource under this section.

**Action for support**

- (7) Subject to subsection (8), as a condition of eligibility for financial assistance, an applicant or the applicant's spouse shall initiate an action or other proceeding to enforce the payment of a claim for support, a domestic contract or a court order respecting the obligation of another person to support the applicant, the applicant's spouse or any of their dependents.

**Exception**

- (8) The Director may waive compliance with subsection (7) if the Director determines that compliance with this requirement would adversely affect an applicant or would prove futile or unreasonable.

**Emergency assistance prior to approval**

- (9) Where the Director determines special circumstances apply and that an applicant requires financial assistance before a complete inquiry can be made into the applicant's circumstances, the Director may grant emergency assistance to the applicant pending a final approval of the application. (EC396/03; 628/05)

**9. Minor may apply**

- (1) A minor may apply for social assistance through an agent.

**Minor applicant in need**

- (2) The Director may determine that a minor applicant living apart from his or her parents is a person in need, after conducting an investigation into whether or not the home of the minor applicant's parents is available or suitable for his or her care, training or development.

**Full-time attendance in educational program**

- (3) As a condition of eligibility for financial assistance, a minor applicant shall be in full-time attendance in a technical, vocational or academic educational program.

**Continuing assistance**

- (4) Where a minor applicant reaches the age of 18 years and is in full-time attendance in an educational program, that applicant continues to be eligible for financial assistance, subject to these regulations, until
- (a) the applicant is no longer in full-time attendance in an educational program; or

- (b) the applicant has completed four consecutive years of full-time attendance in an educational program,  
whichever occurs first.

**Exception**

- (5) Notwithstanding subsection (3), the Director may grant financial assistance to a minor applicant who is unable to participate in an educational program by reason of age or other cause acceptable to the Director.

**Does not affect responsibility for support**

- (6) The granting of assistance under this section does not relieve the parents of a minor applicant of the responsibility for the support and maintenance of the minor applicant. (EC396/03; 628/05)

**10. Assistance to transient person**

The Director may grant financial assistance to a transient person who is a person in need in an amount that the Director considers adequate for the cost of a meal, overnight lodging and ferry or bridge fare. (EC396/03; 628/05)

**11. Likely to become person in need**

The Director may grant social assistance in the form of goods and services to an applicant who is not a person in need if he or she is likely to become a person in need if the goods or services are not provided. (EC396/03; 628/05)

## REPAYMENT

**12. Repayment of assistance**

- (1) An applicant may be required to repay financial assistance in accordance with section 6.1 of the Act if the applicant is a person in need who
- (a) receives income that is paid retroactively for the same period for which the financial assistance was paid; or
  - (b) applies for assistance in the form of an advance or deposit for the purpose of securing rental accommodations, utility connections or similar services.

**Satisfaction of certificate**

- (2) If
- (a) a certificate has been filed with the Registrar of the Supreme Court under subsection 6.1(5) of the Act; and
  - (b) the debt has been paid or has been cancelled, discharged or written off in accordance with the *Financial Administration Act*,

the Minister shall file a satisfaction of the certificate with the Registrar and serve it on the debtor. (EC396/03)



## FINANCIAL RESOURCES

### 13. Value of financial resources

- (1) For the purposes of this Part, the Director shall calculate the value of the financial resources of an applicant in accordance with this section and section 14.

#### **Applicant includes spouse and dependents**

- (2) Notwithstanding clause 1(1)(d), for the purposes of this section, “applicant” includes the applicant’s spouse and dependents.

#### **Financial resources**

- (3) In determining the financial resources of an applicant, the Director shall include as financial resources all of the resources of the applicant that may be used for the support of the applicant, including
- (a) income from employment and self-employment;
  - (b) employment insurance payments;
  - (c) pensions and similar payments, refunds and rebates;
  - (d) rental income;
  - (e) income or money received from any other source, including windfalls and financial aid considered under subsection 8(3);
  - (f) real property;
  - (g) personal property;
  - (h) liquid assets and any other assets that can be converted into cash; and
  - (i) earned income from an interest in or the operation of a business,

but does not include assets or income that are exempt under these regulations.

#### **Liquid assets**

- (4) Liquid assets of an applicant include
- (a) cash on hand;
  - (b) cash in a bank, trust company, credit union or cooperative or other similar financial institution;
  - (c) the realizable value of stocks, bonds, debentures, mutual funds, investment certificates, registered education savings plans, registered retirement savings plans, registered retirement income funds, and other similar investments;
  - (d) retirement allowances, severance pay, bonuses, pensions and other similar payments; and
  - (e) the cash surrender value of life insurance policies, savings receipts, liens, mortgages, bequests and settlements.

#### **Exemptions**

- (5) Subject to subsection (5.1), the following are exemptions from the calculation of financial resources of an applicant:
- (a) real property used as the applicant’s principal residence, to the value approved by the Director;
  - (b) real and personal property essential for the operation of a business where the business ordinarily provides the principal source of income of the applicant, including fishing

- craft and gear, livestock, seed for the upcoming year's crop, machinery, equipment and goods;
- (c) personal belongings of the applicant as approved by the Director;
  - (d) the principal vehicle of the applicant, to the value approved by the Director;
  - (e) earned monthly income in one of the following amounts:
    - (i) for a single applicant, \$250 per month and 30% of the amount exceeding \$250,
    - (ii) for an applicant who lives with a spouse or has dependents, \$400 per month and 30% of the amount exceeding \$400,
    - (iii) for an applicant who has a disability, whether the applicant is single, lives with a spouse or has dependents, \$500 per month plus 30% of the amount exceeding \$500;
  - (f) income received on an irregular basis that is excluded from insurable employment under subsection 5(2) of the *Employment Insurance Act* (Canada) to a maximum of \$50 per month;
  - (g) insurance money for the replacement or repair of items determined by the Director to be essential to an applicant, but only if the insurance money is used for repair or replacement of the item within six months from the date the applicant received the insurance money;
  - (h) money received from a non-profit group, organization or community fundraiser for the purchase of items of basic or special needs of an applicant, not exceeding the value of the items to be purchased;
  - (i) an allowance provided to an applicant for room and board expenses under a federal, provincial or employer-sponsored employment training program, if the applicant is living in a place other than the principal residence and the allowance is used for the purpose for which it was provided;
  - (j) involuntary deductions under federal taxation laws from the applicant's earned income;
  - (k) income earned by a pre-school dependent child or a dependent child who is in full-time attendance in an educational program;
  - (l) income earned or received by a dependent child over the age of 18 who is in full-time attendance in an educational program, for a maximum of four consecutive years of full-time attendance;
  - (m) money received by an applicant as a student loan for the purpose of attending a post-secondary educational program within the province, and applied to the basic costs of tuition, books and educational supplies;
  - (n) income received from a social assistance agency for providing care to a foster child;
  - (o) a child tax benefit paid under the *Income Tax Act* (Canada);
  - (o.1) a child support payment made by a person who has an obligation to support the applicant or a dependent of the applicant under the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1, or the *Divorce Act* (Canada) or similar legislation in another jurisdiction;
  - (p) awards or settlements received by the applicant for pain and suffering, or for grief or sorrow;
  - (q) windfalls or lump sum payments including gifts, inheritances, lottery wins or insurance settlements, not exceeding the limit for liquid assets under subsection 7(1), (2) or (3);
  - (r) income tax refunds received by an applicant;



- (s) Goods and Services Tax rebates received by an applicant;
- (t) registered educational savings plans for the period that the funds remain in the plan or, if cashed, the amount of money that is used for educational purposes for the applicant child;
- (u) such other exemptions as the Minister may direct.

**Non-application**

- (5.1) Clause (5)(e) does not apply in the calculation of the value of an applicant's financial resources for the purpose of determining whether the applicant is a person in need under subsection 6(1).

**Assets to be converted to cash**

- (6) Subject to subsections (7) and (8), the Director shall not grant financial assistance to an applicant until all of the assets of the applicant have been sold or converted into cash and the proceeds of the sale or other conversion of the assets are used to support the applicant.

**Loss not to exceed 25%**

- (7) The Director may exempt from his or her calculations assets that can be sold or converted into cash at a loss not exceeding 25% of their market value
- (a) for 90 days; or
  - (b) until the assets have been sold or converted,
- whichever is earlier.

**Idem**

- (8) Notwithstanding subsection (7), the Director may continue to consider as exempt the assets described in subsection (7) if he or she determines that all reasonable attempts are being made to sell or convert the assets into cash, or if selling the asset or converting it to cash would result in a loss exceeding 25% of the market value. *(EC396/03; 628/05; 297/11; 400/18)*

**14. Other adults in the residence**

- (1) Where adults who are not dependents of an applicant reside in the principal residence of an applicant, the applicant shall be deemed to receive rental income from each adult in an amount which is a fair rental rate, as established by the written policies.

**Meals provided to other adults**

- (2) Where an applicant provides meals to adults who are not dependents of the applicant, the applicant shall be deemed to receive payment from each adult in an amount which reflects a fair value for the meals, as established by the written policies. *(EC396/03)*

**15. ASSISTANCE FOR ITEMS OF BASIC NEED**

The Director may grant financial assistance to an applicant at the established rates for items of basic need in accordance with sections 16 to 18. *(EC396/03; 628/05)*

**16. Maximum monthly assistance**

- (1) Subject to subsections (2) and (3), the Director shall determine the maximum monthly financial assistance granted to an applicant for food by applying the established rates for the number of adult members of the household and number and ages of the eligible dependents.

**Special diet**

- (2) The Director may increase financial assistance granted to an applicant for food by an amount that he or she considers appropriate
- (a) where an applicant or a dependent requires a special diet which is approved by a nutritionist or dietitian employed by or reporting to the Director; and
  - (b) the cost of the special diet is shown to exceed the amount of financial assistance granted for food under these regulations.

**Pregnant applicant**

- (3) The Director shall increase financial assistance for food granted to an applicant at the established rates for a pregnant applicant or pregnant dependent after verification of the pregnancy. *(EC396/03; 628/05)*

**17. Cost of shelter, utilities**

- (1) Subject to subsections (2) and (3), the Director may grant financial assistance to an applicant at the established rates for
- (a) the actual cost of shelter in a rental accommodation including rent, heat and electricity;
  - (b) the actual cost of shelter for an applicant's owned or mortgaged accommodation including mortgage payment, lot rental, heat, electricity, real property taxes and fire insurance;
  - (c) shelter to an applicant living with a relative other than a parent;
  - (d) board, lodging and care of a resident of a licensed community care facility;
  - (e) board and lodging of a resident of a licensed community care facility who is determined, by an assessor designated by the Director, to require only board and lodging;
  - (f) board and lodging expenses in a boarding home; and
  - (g) board and lodging in a boarding home to an applicant who has a disability.

**Applicant living with parent**

- (2) The Director shall not grant financial assistance for shelter to an applicant living with a parent unless the Director determines that undue hardship would result.

**Shared accommodations**

- (3) The Director shall determine the amount of financial assistance that may be granted to applicants in shared accommodations by determining an equitable share of the actual shelter costs at the established rates. *(EC396/03; 628/05)*

**18. Phone, personal requirements, etc.**

The Director may grant financial assistance to an applicant at the established rates for

- (a) a basic single-line telephone service;
- (b) clothing for
  - (i) adults,
  - (ii) children from age 12 to age 17 inclusive, and
  - (iii) children from birth to age 11 inclusive;
- (c) personal requirements for



- (i) one adult,
  - (ii) two adults,
  - (iii) children from age 12 to age 17 inclusive, and
  - (iv) children from birth to age 11 inclusive;
- (d) household supplies according to the number of persons included in the application; and
- (e) local transportation expenses. (EC396/03; 628/05; 297/11)

#### **19. ASSISTANCE FOR ITEMS OF SPECIAL NEED**

- (1) The Director may grant financial assistance to an applicant for items of special need in accordance with subsections (3) to (22).

##### **Records**

- (2) The Director shall record and file with each application for items of special need, the circumstances and considerations taken into account in granting or denying the application.

##### **Transportation and relocation expenses**

- (3) The Director may grant financial assistance to an applicant at the established rates for transportation and relocation expenses when an allowance for such items is not included in any other assistance granted to an applicant to enable an applicant
- (a) to relocate, on one occasion only, to his or her usual province of residence;
  - (b) to assume suitable employment outside of the province, if the applicant provides written confirmation that
    - (i) employment has been secured, and
    - (ii) no assistance is available from the employer or any other source for such transportation or relocation expenses;
  - (c) to relocate to a nursing home or a community care facility;
  - (d) to obtain medical or hospital services that cannot be obtained near the applicant's usual place of residence, but, in the case of travel outside of the province, only if the applicant provides confirmation that payment for medical or hospital expenses are approved under the *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2 or the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8 prior to finalizing the application for transportation expenses;
  - (e) who is a person with a disability, to be escorted to a hospital, clinic or medical specialist if
    - (i) the medical services cannot be obtained near the applicant's usual place of residence,
    - (ii) a physician confirms that an escort is required, and
    - (iii) in the case of travel outside the province, that the conditions of clause (d) have been met;
  - (f) to travel from the applicant's residence to his or her place of employment on actual working days; or
  - (g) to transport dependent children to a child care facility or a sitter.

##### **Exception**

- (4) Notwithstanding subsection (3), The Director may in exceptional circumstances grant financial assistance to an applicant in an amount exceeding the established rates for

transportation and relocation expenses to enable the applicant to obtain medical services or to meet other approved needs as the Director considers necessary.

**Type of transportation eligible**

- (5) The Director shall determine the most efficient, practical and cost effective mode of transportation for which financial assistance may be granted under subsection (3).

**Applicant with disability**

- (6) Where an applicant who is a person with a disability has been found by the Director to be ineligible for the Disability Support Program, the Director may grant financial assistance to the applicant at the established rates as follows:
- (a) a special care allowance may be granted if the applicant is living outside of an approved residential institution;
  - (b) a disability allowance may be granted if the applicant is living with parents, grandparents, a spouse, siblings, or children over the age of majority.

**Personal care allowance**

- (7) The Director may grant financial assistance to an applicant at the established rates in the form of a personal care allowance for the purchase of items for personal care or comfort which, in the opinion of the Director, the applicant would otherwise be unable to purchase.

**School allowance**

- (8) The Director may grant financial assistance to an applicant at the established rates in the form of a school allowance for children attending school in Grades 1 through 12 in the province to cover incidental school expenses of qualified dependents, including school supplies, activity fees, locker fees, and gymnasium clothing.

**Work-related items**

- (9) The Director may grant financial assistance to an applicant at the established rates to pay for special clothing, mandatory licenses, fees or permits and essential tools where the items are necessary to enable an applicant to commence or retain employment and the applicant is otherwise unable to pay for such items.

**Child care expenses**

- (10) The Director may grant financial assistance to an applicant at the established rates for child care expenses.

**Short-term assistance**

- (11) The Director may grant short-term assistance to an applicant, in exceptional circumstances and according to the conditions set out in the written policies, for housekeeping or home-care services in an applicant's home where the Director determines that such services are necessary for the safety or well-being of the applicant and other reasonable arrangements cannot be made.

**Respite care services**

- (12) Subject to the written policies, the Director may grant financial assistance for necessary respite care services to an applicant who is a person with a disability if the applicant has been found ineligible for the Disability Support Program.

**Assistance for homeowner**

- (13) The Director may grant financial assistance to an applicant who is a homeowner





- (a) at the established rates for the purpose of home maintenance or minor repair, where the applicant has been receiving social assistance for 12 months or more; or
- (b) for repairs which are essential to the health and safety of the applicant, the applicant's spouse and the applicant's dependents, and which are of a more substantial nature than repairs that would otherwise fall under clause (a) and for which alternative government or commercial financing is unavailable or insufficient, in an amount which is the lesser of
  - (i) the actual cost of the repair,
  - (ii) the deficiency remaining from available government or commercial financing, or
  - (iii) the allowable maximum amount.

**Additional assistance**

- (14) The Director may grant financial assistance to an applicant in addition to an amount that may be paid under clause (13)(b) as assistance that is repayable under subsection 6.1(1) of the Act.

**Essential furniture or appliances**

- (15) The Director may grant financial assistance in an amount not exceeding the established rates to an applicant for the purchase or repair of essential furniture or appliances which may include:
- (a) a bed;
  - (b) a chest of drawers;
  - (c) a kitchen table and chairs;
  - (d) a living room couch and chair;
  - (e) a stove;
  - (f) a refrigerator;
  - (g) a washing machine.

**Rental, utility deposits**

- (16) The Director may grant financial assistance to an applicant in the form of advances or deposits for the purpose of securing rental accommodations, utility connections or other services for an applicant, and shall be repaid by the applicant in accordance with the Act and these regulations.

**Arrears for shelter, utilities**

- (17) The Director may grant financial assistance to an applicant for the payment of not more than two months of arrears for shelter and utilities accrued
- (a) prior to the application for assistance if the health and safety of the applicant is endangered and if the applicant's failure to pay the arrears resulted from a lack of financial resources; or
  - (b) while an applicant is receiving assistance, but the assistance shall be considered an overpayment and shall be recovered from the applicant in accordance with the Act and these regulations.

**Dental, optical services**

- (18) Where the Director determines that he or she is essential to the health and welfare of the applicant, it may grant financial assistance to an applicant at the established rates for
- (a) dental services; and
  - (b) eye care for an optical assessment, and for single vision or bifocal lenses and frames.

**Estate costs**

- (19) The Director may, upon application by a third party, grant assistance to the third party for the following costs where he or she is satisfied that the estate of the deceased person is insufficient to meet the costs and that there is no alternative means of payment:
- (a) burial or cremation costs at the established rates;
  - (b) the purchase of a gravesite at local rates;
  - (c) the cost of opening and closing the grave at local rates;
  - (d) the cost of transporting the body of the deceased person to a funeral home within the province, from within or outside the province;
  - (e) other items as established by the written policies.

**Value of deceased's estate**

- (20) For the purposes of subsection (19), in determining the estate of a deceased person the Director shall include the following in his or her calculations:
- (a) where the deceased was a single person, the entire estate; or
  - (b) where the deceased had a spouse or had dependents, one-half of the estate,
- including assets that would otherwise be exempt under subsection 13(5).

**Contribution by third party**

- (21) Where a contribution made by a third party toward burial or cremation costs for a deceased person is in excess of the established rates, the Director shall reduce the financial assistance granted to an applicant under clause (19)(a) by the amount by which the third party payment exceeds the amount that would otherwise be available under clause (19)(a).

**Other items of special need**

- (22) The Director may grant financial assistance to an applicant for other items of special need not included in this section if the Director determines that the items are necessary for the health, safety or well-being of an applicant. (EC396/03; 628/05)

**19.1 Special assistance, person not in need**

- (1) The Director may grant special assistance for medical, dental and optical expenses for a period of up to 24 months to an applicant who ceases to be a person in need due to his or her employment.

**Extension**

- (2) Where the Director believes it is necessary to support the applicant's continued employment, the Director may extend the grant of special assistance under subsection (1) for an additional period of time. (EC400/18)

**SOCIAL SERVICES**

**20. Assistance as social services**

- (1) The Director may grant social assistance to an applicant in the form of social services if the Director determines that an applicant has a need for the services.



**May charge fees**

- (2) The Director may grant social assistance to an applicant who is not a person in need in the form of social services, but, where such services are granted, the Director may charge and collect such fees, charges or rates as the Minister may determine. *(EC396/03; 628/05)*

**21. Contract with agencies**

- (1) The Minister may enter into contracts with agencies for the granting of social services on a fee-for-service basis.

**Limit on use of moneys**

- (2) A contract made under subsection (1) shall contain a budget agreed to by the parties and it shall stipulate that the disposition, expenditure or use of moneys received under it is limited to the amounts and purposes determined by the Act and these regulations. *(EC396/03)*

**GRANTING ASSISTANCE, METHOD OF PAYMENT****22. Written approval**

- (1) After approval of an application for financial assistance, the Director shall advise the applicant in writing of the amount of financial assistance granted, the method of provision, the estimated duration of the financial assistance period, the applicant's right of appeal, and the applicant's responsibility to report immediately any change in circumstances which may in any way affect eligibility for financial assistance.

**Refusal**

- (2) If an application for financial assistance or for an increase in the amount of assistance is rejected, the Director shall advise the applicant in writing of the reason for the decision and of the right to appeal. *(EC396/03; 628/05)*

**23. Joint assistance**

Where financial assistance is granted on a joint application, the assistance shall be payable to the person designated in the application to receive payment. *(EC396/03)*

**24. Lesser amount**

The Director may grant financial assistance in an amount less than the minimum available under these regulations

- (a) where the lesser amount is sufficient to meet the need for emergency assistance or the special needs of an applicant; or  
(b) at the request of an applicant. *(EC396/03; 628/05)*

**25. Emergency assistance**

The Director may grant emergency assistance for items of basic need and items of special need. *(EC396/03; 628/05)*

**26. Authorization for goods or services**

- (1) Subject to subsection (2), financial assistance to an applicant shall be paid by cheque, electronic transfer or other similar means.

**Alternative payment**

- (2) Where the Director determines that payment of financial assistance should not be made directly to an applicant, the assistance may be granted in the form of
- (a) an authorization for goods or services; or
  - (b) payment to a third party.

**Vendor authorization**

- (3) Where the Director arranges with a vendor to supply goods or services, an authorization form approved by the Director shall be used and a duplicate of the form shall be filed with the application of the applicant. *(EC396/03; 628/05)*

**27. Agreement with agent**

- (1) Where an application has been accepted from an agent of an applicant, the Director shall enter into an agreement with the agent of the applicant.

**Duties of agent**

- (2) An agent shall disburse financial assistance payments on behalf of the applicant and shall submit an accounting for the assistance payments received and disbursed in such form and at such times as the Director may require.

**No fees, etc. to agent**

- (3) An agent is not entitled to any fee, compensation, reward or reimbursement of any costs or expenses charged or incurred by the agent in connection with the administration of financial assistance on behalf of the applicant.

**Exception**

- (4) Notwithstanding subsection (1), where an application has been made by an agent for emergency assistance, the Director may grant the assistance in the form of goods or services without a written agreement. *(EC396/03; 628/05)*

**28. Changes in amount of assistance**

- (1) The Director may at any time increase, reduce, suspend or cancel the payment of financial assistance to, or on behalf of, an applicant where an investigation reveals that the conditions under which assistance was granted have changed or the applicant's circumstances were misrepresented or not fully disclosed.

**Suspension of assistance**

- (2) The Director may suspend the payment of financial assistance to, or on behalf of, an applicant where
- (a) an applicant refuses or neglects to comply with the Act, these regulations or the written policies; or
  - (b) for a period exceeding 30 days, the applicant
    - (i) is admitted to a hospital or other treatment facility,
    - (ii) is absent from the province, or



(iii) is imprisoned in a jail.

**Payment for last month**

- (3) The Director may direct that financial assistance be paid for the month in which an applicant ceased to be eligible for assistance.

**Reinstatement of payment**

- (4) When payment of financial assistance has been suspended in accordance with subsection (2) for a period of 30 days or less, the payment may be reinstated by the Director without requiring the completion of a new application form.

**Recovery of payments**

- (5) The Director may, in addition to any other remedy available, recover from any applicant any money incorrectly or improperly paid to the applicant or on the applicant's behalf under the Act or these regulations, by reducing the payment of financial assistance in whole or in part until the amount recovered equals the amount overpaid, or by such other means as the Director considers appropriate. (EC396/03; 628/05)

## OBLIGATIONS OF APPLICANT

**29. Conditions of assistance**

- (1) An applicant receiving financial assistance under the Act or these regulations shall
- (a) accept employment where reasonable opportunities arise, or undergo training or treatment or both, necessary to improve or restore the applicant's ability for self-support and for supporting dependents;
  - (b) in the case of a minor applicant, attend school or accept employment leading towards self-support, unless the Director determines that there is a valid reason for the applicant not to do so;
  - (c) in the case of an applicant who is divorced or separated, initiate actions or other proceedings, and initiate enforcement of court orders or domestic contracts concerning the support obligations of other persons, except where the Director determines that compliance with this requirement would adversely affect the applicant or prove futile or unreasonable;
  - (d) immediately report to the Director any change in circumstances which may make necessary an adjustment of the amount of financial assistance being paid; and
  - (e) use the financial assistance for its intended purpose and in the best interests of all of the persons included in the application.

**Failure to comply with conditions**

- (2) Where an applicant does not comply with subsection (1), the Director may reduce, suspend or cancel the financial assistance or pay it to an agent. (EC396/03; 628/05)

## CHANGES, LONG-TERM ASSISTANCE, PROGRAM REFERRAL AND PROCEEDINGS

### 30. Change in circumstances

- (1) Where the Director determines that there has been a material change in the circumstances of an applicant, the Director shall
  - (a) review the applicant's eligibility for financial assistance; and
  - (b) maintain, adjust, suspend or cancel the payment of financial assistance as the Director considers necessary to ensure compliance with the Act and the regulations, in accordance with the Act and the regulations.

#### Long-term assistance

- (2) The Director may grant long-term assistance to an applicant for a period not exceeding 12 months, and the assistance may be granted for additional periods not exceeding 12 months, as adjusted following approval of a new application for assistance by the applicant. (EC396/03; 628/05; 398/14)

### 31. Program referral

- (1) The Director shall refer applicants to the appropriate program to pursue support orders or agreements.

#### Enforcement proceedings by Director

- (2) The Director may initiate or defend maintenance proceedings under the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1 on behalf of an applicant whether or not the applicant consents to such action.

#### Progress on action

- (3) Where an applicant initiates proceedings under subsection 8(7), the Director shall review at regular intervals the progress being made in relation to the action and its enforcement. (EC396/03; 628/05)

Sections 32 to 42 revoked by EC628/05. (EC396/05; 628/05)

## PART III — APPEALS, MISCELLANEOUS

### 43. Quorum

- (1) Three members of the Board, including the chairperson or vice-chairperson, constitute a quorum.

#### Vice-chairperson shall act

- (2) Where the chairperson of the Board is absent or unable to act, or the office of the chairperson is vacant, the vice-chairperson has and shall exercise the jurisdiction and power of the chairperson.

#### Administrative support

- (3) The Minister shall designate an employee of the Department to provide administrative support to the Board. (EC396/03; 628/05)



**44. Resignation of Board member**

- (1) A member of the Board may resign at any time by giving written notice to the Lieutenant Governor in Council.

**Termination of Board member**

- (2) The Lieutenant Governor in Council may terminate the appointment of a Board member by providing written notice to the member on any of the following grounds:
  - (a) the member has ceased to be a resident of the province;
  - (b) the member is apparently in conflict of interest;
  - (c) there is a reasonable apprehension of bias on the part of the member;
  - (d) the member is charged with or is convicted of an offence which, in the opinion of the Lieutenant Governor in Council, renders that member unsuitable to continue on the Board;
  - (e) such other ground as the Lieutenant Governor in Council may consider to be just cause for termination. (EC396/03)

**45. Grounds of appeal**

- (1) Pursuant to subsection 5.1(1) of the Act, an applicant may appeal a decision of the Director respecting the provision of financial assistance under the Act or these regulations on the following grounds:
  - (a) the Director refused to accept an application for financial assistance;
  - (b) the application for financial assistance was denied;
  - (c) the amount of financial assistance granted was not in accordance with these regulations or the written policies; or
  - (d) the applicant's financial assistance was reduced, suspended, cancelled or withheld.

**Appeal**

- (2) An appellant shall serve a notice of appeal on the Board setting out the grounds of appeal within 30 days of the date of the decision appealed from.

**Right to be represented**

- (3) An appellant may be represented on the appeal by counsel or a third party.

**Board provides documentation**

- (4) On receipt of a notice of appeal, the Board shall notify the Director, who shall provide to the Board
  - (a) a copy of the appellant's written application for financial assistance under the Act or for an increase in the amount of financial assistance;
  - (b) the particulars of the financial resources of the appellant as calculated by the Director; and
  - (c) other documents and records pertaining to the matter under appeal. (EC396/03; 628/05)

**46. Appeal hearing within 15 clear days**

- (1) The Board shall commence a hearing of the appeal within 15 clear days after receipt of the notice of appeal.

**3 clear days' notice of the hearing**

- (2) The chairperson of the Board shall give the appellant and the Director at least three clear days' notice of the date, time and place of the hearing.

**Service of notice**

- (3) Notice of the hearing shall be sent by registered mail to the appellant at the address shown in the notice of appeal.

**Re-scheduling the hearing of the appeal**

- (4) Subject to subsection (1), the Board may reschedule the hearing after giving the parties reasonable notice of the new time and place of the hearing.

**Withdrawal of appeal**

- (5) An appellant may withdraw an appeal at any time before the hearing by notifying the Board. *(EC396/03; 628/05)*

**47. Continued assistance pending appeal**

- (1) Where an appeal is made against a decision to reduce, suspend or cancel financial assistance, the amount of financial assistance authorized by the Director as emergency assistance shall be paid to the appellant until the Board renders its decision.

**No assistance where appeal against refusal**

- (2) Where an appeal is made against a refusal by the Director to grant assistance, no financial assistance shall be paid to the appellant unless the Board grants the appeal. *(EC396/03; 628/05)*

**48. Quorum for appeal**

- (1) No more than four members of the Board, including the chairperson or vice-chairperson, shall hear the appeal.

**Open or closed hearing**

- (2) The appellant may request that the hearing be held in private or open to the public.

**Failure of appellant to attend**

- (3) Where the appellant or the person acting on behalf of the appellant does not attend the hearing, the Board shall dismiss the appeal without a hearing. *(EC396/03; 628/05; 398/14)*

**49. Board decides matters before it**

- (1) The Board shall decide only the matters that fall within the Act and these regulations and that are raised as grounds of appeal.

**Conclusion of hearing**

- (2) At the conclusion at the hearing of the appeal, the Board shall
- (a) dismiss the appeal; or
  - (b) allow the appeal and vary the decision made by the Director.

**Written decision within 15 days**

- (3) The Board shall





- (a) not order financial assistance granted to an appellant that exceeds the established rates; and
- (b) provide the written majority decision to the parties within 15 clear days from the conclusion of the hearing.

**Decision final**

- (4) Subject to subsection (5), the decision of the Board is final and binding on the parties.

**Review of appeal on new evidence**

- (5) Within 10 clear days of receipt of the written decision, the Director or the appellant may, on the basis of new evidence only, request that the Board review its decision on the appeal.

**Decision final**

- (6) The decision of the Board on a review under subsection (5) is final and binding on the parties.

**Effective date of decision**

- (7) The effective date of the decision of the Board under subsection (2) or subsection (6) shall be retroactive to the date of the Director's decision which was appealed. *(EC396/03; 628/05)*

**50. Costs**

- (1) Where an appeal is allowed by the Board, the Board may award costs to the appellant in an amount sufficient to cover reasonable expenses, excluding legal fees, resulting from the appeal.

**Overpayment**

- (2) Where an appeal is dismissed by the Board, the Board may determine that the financial assistance granted under subsection 47(1) is an overpayment within the meaning of the Act. *(EC396/03)*

**51. Fiscal year**

- (1) In this section, "fiscal year" means the period beginning on April 1 in one year and ending on March 31 in the next year.

**Annual report**

- (2) Each fiscal year, commencing April 1, 2015, the Board shall submit an annual report for the preceding fiscal year on or before June 30<sup>th</sup> next following the end of the preceding fiscal year.

**Transitional – calendar year to fiscal year**

- (3) Notwithstanding subsection (2), the annual report submitted by the Board for the fiscal year commencing on April 1, 2014, and ending on March 31, 2015, shall also include a report of the Board respecting the time period from January 1, 2014, to March 31, 2014. *(EC396/03; 398/14)*

**52. Revocation**

Revoked by EC628/05. *(EC396/03; 628/05)*