

The Disability Housing Supplement Regulations

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[Chapter S-8 Reg 8](#) (effective April 6, 2005) as amended by Saskatchewan Regulations [29/2006](#), [64/2006](#), [94/2007](#), [65/2008](#), [3/2009](#), an [Errata Notice](#) published in the Gazette February 13, 2009, [77/2009](#), [15/2010](#), [91/2010](#), [100/2010](#), [4/2011](#) and [33/2011](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-8 REG 8
The Saskatchewan Assistance Act

PART I
Preliminary Matters

Title

1 These regulations may be cited as *The Disability Housing Supplement Regulations*.

Interpretation

2(1) In these regulations:

(a) **“accessibility support”** means:

(i) a physical feature of a dwelling that is designed to assist a person with a mobility limitation to enter the dwelling, leave the dwelling, move about within a room or between rooms or floors of the dwelling or move to or from an attached balcony, porch or similar structure or an adjacent courtyard or garden; or

(ii) an advantageous location of a dwelling that:

(A) enables a person with a disability to live near a supportive person or a service needed to support independent living; or

(B) enhances the safety of a person with a disability;

(b) **“accessibility support supplement”** means the benefit to which a client may be entitled if the client’s family unit falls within any of the categories set out in subsection 6(1);

(c) **“Act”** means *The Saskatchewan Assistance Act*;

(d) **“applicant”** means an individual who applies for the DHS benefit pursuant to section 16;

(e) **“benefit month”** means the calendar month for which the DHS benefit is being calculated;

(f) **“category A client”** means a client who resides in the Town of Allan, the Town of Asquith, the Town of Balgonie, the Village of Belle Plaine, the Village of Bradwell, the Village of Buena Vista, the Village of Clavet, the Town of Colonsay, the Town of Dalmeny, the Town of Delisle, the Village of Disley, the Town of Dundurn, the Village of Edenwold, the Village of Elstow, the City of Estevan, the Village of Grand Coulee, the Town of Langham, the City of Lloydminster, the Town of Lumsden, the Resort Village of Lumsden Beach, the Town of Martensville, the Village of Meacham, the Town of Osler, the Village of Pense, the Town of Pilot Butte, the City of Regina, the Town of Regina Beach, the City of Saskatoon, the Resort Village of Shields, the Resort Village of Thode, the Village of Vanscoy, the Town of Warman or the Town of White City;

- (g) **“category B client”** means a client who resides in the Northern Town of Creighton, the Town of Kindersley, the Northern Village of La Loche, the Northern Town of La Ronge, the Town of Macklin, the City of Melville, the City of Prince Albert, the Town of Rosetown, the City of Weyburn or the City of Yorkton;
- (h) **“category C client”** means a client who resides in the Town of Battleford, the Town of Fort Qu’Appelle, the City of Humboldt, the Town of Meadow Lake, the City of Melfort, the City of Moose Jaw, the Town of Nipawin, the City of North Battleford, the City of Swift Current or the Town of Watrous;
- (i) **“category D client”** means a client who resides anywhere in Saskatchewan other than in a place mentioned in clause (f), (g) or (h);
- (j) **“child”** means an individual who is less than 18 years of age;
- (k) **“client”** means an individual whose application for the DHS benefit has been accepted;
- (l) **“DHS benefit”** means the benefit calculated in accordance with section 15;
- (m) **“disability housing support”** means any of the following that are made or provided for the purpose of assisting an individual with a disability in carrying out the activities of daily living:
- (i) a structural modification to:
 - (A) the interior or the exterior of a dwelling unit;
 - (B) the interior or the exterior of a building containing a dwelling unit; or
 - (C) the land on which a dwelling unit or a building containing a dwelling unit is situated;
 - (ii) the installation in a dwelling unit of a fixture, device or system;
 - (iii) a modification of a fixture, device or system installed in a dwelling unit;
 - (iv) the accommodation of a service animal;
 - (v) accommodation in a dwelling in a location that, in the opinion of a program manager:
 - (A) enables a person with a disability to live near a supportive person or a service needed to support independent living; or
 - (B) enhances the safety of a person with a disability;
- (n) **“eligible category of family unit”** means:
- (i) a category of family unit set out in subsection 6(1) that is eligible to receive the accessibility support supplement; or
 - (ii) a category of family unit set out in subsection 6(2) that is eligible to receive the physical support supplement;

- (o) **“eligible family unit”** means a family unit that meets the requirements of section 7;
- (p) **“eligible income”** means eligible income calculated in accordance with section 12;
- (q) **“eligible individual”** means an individual who is determined to be an eligible individual pursuant to section 8;
- (r) **“eligible rented accommodation”** means accommodation that meets the requirements of section 10;
- (s) **“family income”** is the total of all amounts, other than the universal child care benefit, that would be taxable as income pursuant to the *Income Tax Act* (Canada) and that, subject to sections 36 to 38, are received by the applicant or client and the spouse, if any, of the applicant or client in a month;
- (t) **“family unit”** means a family unit within the meaning of section 5;
- (u) **“health services number”** means a unique number assigned to an individual who is or was registered as a beneficiary to receive insured services within the meaning of *The Saskatchewan Medical Care Insurance Act*;
- (v) **“income turning point”** means the maximum monthly amount of eligible income that a client’s family unit may receive without causing a reduction in the amount of the client’s DHS benefit pursuant to subsection 15(3);
- (w) **“insured services”** means insured services as defined in *The Saskatchewan Medical Care Insurance Act*;
- (x) **“level of rent”** means level of rent determined in accordance with section 11;
- (y) **“maintenance income”** means any gross amount that is paid pursuant to:
- (i) a maintenance order, whether received directly from the respondent, collected by the Maintenance Enforcement Office and subsequently remitted to the applicant or client or spouse of the applicant or client or collected by the Maintenance Enforcement Office and subsequently deposited to the general revenue fund; or
 - (ii) a maintenance agreement in writing that is not included within the definition of “maintenance order”;
- (z) **“maintenance order”** means a maintenance order as defined in *The Enforcement of Maintenance Orders Act, 1997*;
- (aa) **“physical support”** means a built-in feature of, or fixed attachment to, a dwelling, other than an accessibility support, that is intended to assist a person with a disability to carry out everyday activities associated with independent living;
- (bb) **“physical support supplement”** means the benefit to which a client may be entitled if the client’s family unit falls within any of the categories set out in subsection 6(2);

- (cc) **“preceding taxation year”** means:
- (i) with respect to an applicant or the spouse of an applicant, the taxation year ended immediately preceding the beginning of the program year in which the applicant applies for the DHS benefit; and
 - (ii) with respect to a client or the spouse of a client, the taxation year ended immediately preceding the beginning of the program year in which the income of the client or spouse is being calculated;
- (dd) **“program”** means the Disability Housing Supplement Program established pursuant to section 3;
- (ee) **“program year”** means a period commencing on July 1 in one year and ending on June 30 in the following year;
- (ee.1) **“qualifying disability”** means a physical, cognitive or mental disability that:
- (i) results in a need for a disability housing support to assist the individual with the disability in carrying out the activities of daily living; and
 - (ii) at the time of application, is at least one year in duration;
- (ff) **“qualifying individual”** means an individual who is determined to be a qualifying individual pursuant to section 9;
- (gg) **Repealed.** 13 Apr 2006 SR 29/2006 s3.
- (hh) **“rent-to-income ratio”** means the ratio of the monthly amount of rent paid by an applicant or client to the eligible income of the applicant or client for the month, expressed as a percentage;
- (ii) **“reserve”** means a reserve within the meaning of the *Indian Act* (Canada);
- (jj) **“respondent”** means a respondent as defined in *The Enforcement of Maintenance Orders Act, 1997*;
- (kk) **“SAP”** means assistance granted pursuant to The Saskatchewan Assistance Regulations, being Saskatchewan Regulations 78/66;
- (ll) **“Saskatchewan Health Services card”** means a card issued pursuant to section 6.5 of *The Department of Health Act*;
- (mm) **“taxation year”** means taxation year as defined in the *Income Tax Act* (Canada);
- (nn) **“TEA”** means a transitional employment allowance granted pursuant to *The Transitional Employment Allowance Regulations*;
- (oo) **“universal child care benefit”** means the amount determined by the Canada Revenue Agency as the amount to which an individual would be entitled pursuant to the *Universal Child Care Benefit Act* as being enacted by Part 6 of the *Budget Implementation Act, 2006* (Canada), introduced as Bill C 13 of the first session of the thirty-ninth Parliament, if Part 6 of that Bill is enacted.

- (2) **Repealed.** 10 Jne 2011 SR 33/2011 s3.
- (3) For the purposes of these regulations, a person is deemed to be under 18 years of age during the entire month in which the person attains the age of 18 years.
- (4) For the purposes of these regulations:
- (a) a reference to an amount of income is deemed to be a reference to an amount in whole dollars that is obtained by subtracting the number of cents less than one dollar in the actual amount of income from the actual amount; and
- (b) all calculations involving amounts of income are to be carried out using the amounts in whole dollars determined in accordance with clause (a).

15 Apr 2005 cS-8 Reg 8 s2; 13 Apr 2006 SR 29/2006 s3; 7 Jly 2006 SR 64/2006 s2; 8 Aug 2008 SR 65/2008 s3; 11 Sep 2009 SR 77/2009 s3; 10 Jne 2011 SR 33/2011 s3.

PART II Disability Housing Supplement Program

Program established and designated

- 3**(1) The Disability Housing Supplement Program is established.
- (2) The program is designated as an income-tested program for the purposes of clause 2(c.01) of the Act.
- (3) The program consists of two components:
- (a) an accessibility support supplement; and
- (b) a physical support supplement.
- (4) Pursuant to the program, a client is entitled to receive only one of the two supplements mentioned in subsection (3), whichever is the greater, notwithstanding that the client may meet the eligibility criteria for both supplements.

15 Apr 2005 cS-8 Reg 8 s3.

Eligibility

- 4**(1) The DHS benefit is payable to clients:
- (a) with respect to family units that:
- (i) belong to an eligible category of family units in accordance with section 6;
- (ii) are determined to be eligible family units in accordance with section 7; and
- (iii) contain a qualifying individual in accordance with section 9; and
- (b) only with respect to individuals who are determined to be eligible individuals in accordance with section 8.
- (2) The DHS benefit continues to be payable to a client until the client's entitlement to receive payments is terminated pursuant to section 32.

15 Apr 2005 cS-8 Reg 8 s4.

Composition of family units

5(1) A family unit consists of:

- (a) an individual who is an applicant or client and who has been assigned a health services number by the Department of Health;
 - (b) the spouse, if any, of the applicant or client; and
 - (c) the children, if any, of the applicant or client or of the spouse of the applicant or client, including any children to whom the applicant or client or the spouse of the applicant or client stands *in loco parentis*.
- (2) An individual described in clause (1)(a) who has no spouse or children constitutes a family unit for the purposes of the program.

15 Apr 2005 cS-8 Reg 8 s5.

Eligible categories of family units

6(1) The following categories of family units are eligible to receive the accessibility support supplement:

- (a) family units that:
 - (i) consist of a single individual who is a qualifying individual; and
 - (ii) pay a level 1 (warm) rent or level 2 (cold) rent as determined in accordance with section 11;
 - (b) family units that:
 - (i) consist of a couple, one member of which is a qualifying individual;
 - (ii) include no children; and
 - (iii) pay a level 1 (warm) rent or level 2 (cold) rent as determined in accordance with section 11;
 - (c) family units that:
 - (i) include children;
 - (ii) include a qualifying individual; and
 - (iii) pay a level 1 (warm) rent or level 2 (cold) rent as determined in accordance with section 11.
- (2) The following categories of family units are eligible to receive the physical support supplement:
- (a) family units that:
 - (i) consist of a single individual who is a qualifying individual; and
 - (ii) pay a level 1 (warm) rent or level 2 (cold) rent as determined in accordance with section 11;

- (b) family units that:
 - (i) consist of a couple, one member of which is a qualifying individual;
 - (ii) include no children; and
 - (iii) pay a level 1 (warm) rent or level 2 (cold) rent as determined in accordance with section 11.

15 Apr 2005 cS-8 Reg 8 s6; 13 Apr 2005 SR 29/
2006 s4; 21 Sep 2007 SR 94/2007 s3.

Eligible family units

7(1) An eligible family unit includes only those members of a family unit who are eligible individuals.

(2) Unless otherwise provided, the fact that one member of a family unit is not an eligible individual does not prevent the other members of the family unit from being considered an eligible family unit.

(3) In order for the family unit of an applicant to be an eligible family unit:

(a) the applicant and the spouse, if any, of the applicant must have a valid social insurance number assigned pursuant to the authority of any Act of the Parliament of Canada;

(b) the family unit must include an eligible individual who has a qualifying disability;

(c) the family unit must be residing in eligible rented accommodation, and the eligible rented accommodation must be the primary residence of the family unit;

(d) in relation to the accessibility support supplement, the monthly rent being paid for the eligible rented accommodation must be not less than the minimum qualifying rent determined by the minister on the basis of:

(i) the composition of the family unit;

(ii) the category of client into which the applicant would be placed, in relation to the location of the rented accommodation occupied by the family unit as its primary residence, if the applicant is accepted as a client; and

(iii) whether or not the rent being paid includes heating costs;

(e) in relation to the physical support supplement, the monthly rent being paid for the eligible rented accommodation must be not less than the minimum qualifying rent determined by the minister on the basis of:

(i) the composition of the family unit;

(ii) the category of client into which the applicant would be placed, in relation to the location of the rented accommodation occupied by the family unit as its primary residence, if the applicant is accepted as a client; and

(iii) whether or not the rent being paid includes heating costs;

- (f) in relation to the accessibility support supplement, the eligible income of the family unit in a month, determined in accordance with section 12, must not exceed the maximum eligible income determined by the minister on the basis of:
- (i) the composition of the family unit; and
 - (ii) the category of client into which the applicant would be placed, in relation to the location of the rented accommodation occupied by the family unit as its primary residence, if the applicant were accepted as a client;
- (g) in relation to the physical support supplement, the eligible income of the family unit in a month, determined in accordance with section 12, must not exceed the maximum eligible income determined by the minister on the basis of:
- (i) the composition of the family unit; and
 - (ii) the category of client into which the applicant would be placed, in relation to the location of the rented accommodation occupied by the family unit as its primary residence, if the applicant were accepted as a client; and
- (h) in the case of an applicant who is not receiving SAP or TEA, the rent-to-income ratio of the family unit must exceed:
- (i) 31% if the rent paid includes heating costs; or
 - (ii) 26% if the rent paid does not include heating costs.

15 Apr 2005 cS-8 Reg 8 s7; 13 Apr 2006 SR 29/
2006 s5; 21 Sep 2007 SR 94/2007 s4; 10 Jne
2011 SR 33/2011 s4.

Eligible individuals

- 8(1)** Subject to this section, an individual is an eligible individual if the individual is eligible to receive insured services as a resident or beneficiary pursuant to *The Saskatchewan Medical Care Insurance Act* and *The Medical Care Insurance Beneficiary and Administration Regulations*.
- (2) Where an individual who enters Saskatchewan and establishes residence in Saskatchewan applies for a Saskatchewan Health Services Card, the individual becomes an eligible individual when a health services number is assigned, even if the individual is not entitled to receive insured services for a period after entering Saskatchewan.
- (3) An individual who leaves Saskatchewan to establish residence outside of Saskatchewan ceases to be an eligible individual when the individual leaves Saskatchewan, even if the individual is entitled to receive insured services for a period after leaving Saskatchewan.

(4) The following are not eligible individuals, whether or not they are eligible to receive insured services:

- (a) an individual who is sentenced to a term of imprisonment of more than 30 days in:
 - (i) a correctional facility as defined in *The Correctional Services Act*; or
 - (ii) a custody facility as defined in *The Youth Justice Administration Act*;
- (b) an inmate as defined in the *Corrections and Conditional Release Act* (Canada) or a prisoner as defined in the *Prisons and Reformatories Act* (Canada);
- (c) a child in the care of the minister within the meaning of *The Child and Family Services Act*;
- (d) a child in the care of an agency that has entered into an agreement pursuant to section 61 of *The Child and Family Services Act*;
- (e) a non-immigrant as defined in *The Medical Care Insurance Beneficiary and Administration Regulations* to whom subsection 6(3) of those regulations applies;
- (f) an individual whose application for landing was sponsored pursuant to subsection 13(1) or (2) of the *Immigration and Refugee Protection Act* (Canada), during the period of sponsorship;
- (g) an individual who ordinarily resides on a reserve, if the Government of Canada has agreed to fund a similar or comparable program;
- (h) subject to clause (5)(c), an individual who has been outside of Saskatchewan, whether temporarily or on a permanent basis, for a period greater than 90 consecutive days.

(5) The following are eligible individuals, whether or not they are entitled to receive insured services:

- (a) a member of the Royal Canadian Mounted Police who establishes residence in Saskatchewan;
- (b) a member of the Canadian Forces who establishes residence in Saskatchewan;
- (c) an individual described in clause (4)(h) where, in the opinion of a program manager, exceptional circumstances exist.

Qualifying individuals

9(1) For the purposes of the accessibility support supplement, an individual is a qualifying individual if:

- (a) the individual is an eligible individual who has a disability; and
- (b) in the opinion of a program manager, the individual's disability is of a type that would benefit from the provision of an accessibility support.

(2) For the purposes of the physical support supplement, an individual is a qualifying individual if:

- (a) the individual is an eligible individual who has a disability; and
- (b) in the opinion of a program manager, the individual's disability is of a type that would benefit from the provision of a physical support.

15 Apr 2005 cS-8 Reg 8 s9; 13 Apr 2006 SR 29/
2006 s6.

Eligible rented accommodation

10(1) In order for rented accommodation to be eligible rented accommodation:

- (a) at the time of an application for the DHS benefit, at least one disability housing support that relates to the disability of the qualifying individual has previously been installed or provided in or on the premises; and
- (b) a program manager must be of the opinion that the condition of the premises:
 - (i) does not present a serious hazard to the health or safety of persons residing in the accommodation; and
 - (ii) is sufficiently good to warrant an expenditure on additional disability housing supports.

(2) For the purposes of these regulations, the following types of accommodation are not eligible rented accommodation:

- (a) accommodation in:
 - (i) an approved home as defined in *The Mental Health Services Act*;
 - (ii) a facility as defined in *The Regional Health Services Act* that is operated by a regional health authority or an affiliate as defined in that Act;
 - (iii) a personal care home as defined in *The Personal Care Homes Act*;
 - (iv) a private-service home or a residential service facility as defined in *The Residential Services Act*; or
 - (v) any other home or facility that provides both accommodation and some degree of supervision, personal care or individual programming for persons in need of those additional services;
- (b) accommodation the payment for which includes the provision of meals;
- (c) accommodation in a communal living arrangement.

15 Apr 2005 cS-8 Reg 8 s10.

Levels of rent

11(1) For the purposes of the program, the following levels of rent are established:

- (a) level 1 (warm);
 - (b) level 2 (cold).
- (2) For the purposes of determining the minimum qualifying rent that an applicant or client is to be considered as paying, the applicant's or client's rent is to be determined based on the following variables:
- (a) the composition of the applicant's or client's family unit;
 - (b) in the case of an applicant, the category of client into which the applicant would be placed, in relation to the location of the rented accommodation occupied by the applicant's family unit as its primary residence, if the applicant were accepted as a client; and
 - (c) in the case of a client, the category into which the client has been placed in relation to the location of the rented accommodation occupied by the client's family unit as its primary residence.
- (3) For the purposes of the accessibility support supplement, an applicant or client whose rent includes heating costs is paying a level 1 (warm) rent if the monthly amount of the rent being paid is equal to or greater than the minimum qualifying rent determined by the minister pursuant to clause 7(3)(d) based on the variables applicable to the applicant or client.
- (4) For the purposes of the accessibility support supplement, an applicant or client whose rent does not include heating costs is paying a level 2 (cold) rent if the monthly amount of the rent being paid is equal to or greater than the minimum qualifying rent determined by the minister pursuant to clause 7(3)(d) based on for the variables applicable to the applicant or client.
- (5) For the purposes of the physical support supplement, an applicant or client whose rent includes heating costs is paying a level 1 (warm) rent if the monthly amount of the rent being paid is equal to or greater than the minimum qualifying rent determined by the minister pursuant to clause 7(3)(e) based on the variables applicable to the applicant or client.
- (6) For the purposes of the physical support supplement, an applicant or client whose rent does not include heating costs is paying a level 2 (cold) rent if the monthly amount of the rent being paid is equal to or greater than the minimum qualifying rent determined by the minister pursuant to clause 7(3)(e) based on for the variables applicable to the applicant or client.

Eligible income

12 The eligible income of a family unit in a month is the amount E, calculated in accordance with the following formula:

$$E = F + EI + CPP + WC + OAS + SIP + M$$

where:

F is the family income of the family unit for the previous month;

EI is the total of all amounts received by the applicant or client and the spouse, if any, of the applicant or client in the previous month as benefits pursuant to Parts I and II of the *Employment Insurance Act* (Canada), but not including allowances pursuant to Part II of that Act;

CPP is the total of all amounts received by the applicant or client and the spouse, if any, of the applicant or client in the previous month as benefits, other than orphan's benefits, pursuant to the *Canada Pension Plan* or the *Quebec Pension Plan*;

WC is the total of all amounts received by the applicant or client and the spouse, if any, of the applicant or client in the previous month as benefits pursuant to *The Workers' Compensation Act, 1979* or similar legislation of another jurisdiction;

OAS is the total of all amounts received by the applicant or client and the spouse, if any, of the applicant or client in the previous month pursuant to the *Old Age Security Act* (Canada), whether as a pension, supplement or allowance;

SIP is the total of all amounts received by the applicant or client and the spouse, if any, of the applicant or client in the previous month as benefits pursuant to *The Saskatchewan Income Plan Act*; and

M is the total of all amounts received by the applicant or client and the spouse, if any, of the applicant or client in the previous month as maintenance income.

15 Apr 2005 cS-8 Reg 8 s12.

Maximum accessibility support supplement

13 If an eligible family unit is entitled to receive an accessibility support supplement, the amount of the maximum accessibility support supplement to which the eligible family unit may be entitled is the amount determined by the minister on the basis of:

- (a) the composition of the eligible family unit; and
- (b) the category of the client;
- (c) **Repealed.** 21 Sep 2007 SR 94/2007 s6.

15 Apr 2005 cS-8 Reg 8 s13; 21 Sep 2007 SR 94/2007 s6; 10 Jne 2011 SR 33/2011 s6.

Maximum physical support supplement

14 If an eligible family unit is entitled to receive a physical support supplement, the amount of the maximum physical support supplement to which the eligible family unit may be entitled is the amount determined by the minister on the basis of:

- (a) the composition of the eligible family unit; and
- (b) the category of the client;
- (c) **Repealed.** 21 Sep 2007 SR 94/2007 s7.

15 Apr 2005 cS-8 Reg 8 s14; 21 Sep 2007 SR 94/2007 s7; 10 Jne 2011 SR 33/2011 s7.

Amount of DHS benefit

15(1) The amount of the maximum DHS benefit to which an eligible family unit may be entitled is:

- (a) the amount of the maximum accessibility support supplement to which the family unit would be entitled for the benefit month without reduction or adjustment, determined in accordance with section 13, if the family unit is eligible to receive the accessibility support supplement pursuant to subsection 6(1);
- (b) the amount of the maximum physical support supplement to which the family unit would be entitled for the benefit month without reduction or adjustment, determined in accordance with section 14, if the family unit is eligible to receive the physical support supplement pursuant to subsection 6(2); or
- (c) the greater of the maximum accessibility support supplement, determined in accordance with section 13, and the maximum physical support supplement, determined in accordance with section 14, if the family unit is eligible pursuant to both subsection 6(1) and subsection 6(2).

(2) The actual amount of the DHS benefit to which an eligible family unit is entitled for a benefit month is the amount DHS calculated in accordance with the following formula:

$$\text{DHS} = \text{DHS}_{\text{Max}} - (\text{R} + \text{A})$$

where:

DHS_{Max} is the amount of the maximum DHS benefit to which the eligible family unit would be entitled for the benefit month without reduction or adjustment, determined in accordance with subsection (1);

R is the amount, if any, by which the eligible family unit's maximum DHS benefit is to be reduced for the benefit month, determined in accordance with subsection (3); and

A is the amount, if any, by which the eligible family unit's maximum DHS benefit is to be adjusted for the benefit month, determined in accordance with subsection (4), if a member of the eligible family unit is receiving SAP or TEA.

(3) The amount, if any, by which an eligible family unit's maximum DHS benefit is to be reduced for a benefit month is the amount R, if it is positive, calculated in accordance with the following formula:

$$R = RR\% \times (E - ITP)$$

where:

RR is the reduction rate determined by the minister on the basis of:

- (a) the composition of the family unit; and
- (b) the type of supplement for which the calculation is being made;

E is the eligible income of the eligible family unit for the benefit month; and

ITP is the income turning point determined by the minister for the composition of the family unit.

(4) If an individual who is a member of an eligible family unit is receiving SAP or TEA, the amount of the eligible family unit's maximum DHS benefit is to be reduced by the amount of the SAP/TEA adjustment determined by the minister on the basis of:

- (a) the composition of the eligible family unit; and
- (b) the category of the client.

15 Apr 2005 cS-8 Reg 8 s15; 10 Jne 2011 SR 33/2011 s8.

Transitional – amounts of DHS benefits

15.1(1) In this section, “**qualifying client**” means a client who:

- (a) was receiving the DHS benefit before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2007*; and
- (b) as a result of the coming into force of *The Disability Housing Supplement Amendment Regulations, 2007* would no longer be eligible to receive the DHS benefit because the client's monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

(2) Notwithstanding any other provision of these regulations, a qualifying client continues to be eligible to receive the DHS benefit in the amount the client was entitled to before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2007*, until the client's entitlement to receive the DHS benefit is terminated pursuant to section 32 on a ground other than that the client's monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

21 Sep 2007 SR 94/2007 s8; 10 Jne 2011 SR 33/2011 s9.

Transitional (2008) – amounts of DHS benefits

15.2(1) In this section, “**qualifying client**” means a client who:

- (a) was receiving the DHS benefit before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2008*; and
- (b) as a result of the coming into force of *The Disability Housing Supplement Amendment Regulations, 2008* would no longer be eligible to receive the DHS benefit because the client’s monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

(2) Notwithstanding any other provision of these regulations, a qualifying client continues to be eligible to receive the DHS benefit in the amount the client was entitled to before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2008*, until the client’s entitlement to receive the DHS benefit is terminated pursuant to section 32 on a ground other than that the client’s monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

8 Aug 2008 SR 65/2008 s4; 10 Jne 2011 SR 33/2011 s10.

Transitional (2009) – eligibility for DHS benefits

15.3(1) In this section, “**qualifying client**” means a client who:

- (a) was receiving the DHS benefit before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2009*; and
- (b) as a result of the coming into force of *The Disability Housing Supplement Amendment Regulations, 2009* would no longer be eligible to receive the DHS benefit because the client’s monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

(2) Notwithstanding any other provision of these regulations, a qualifying client continues to be eligible to receive the DHS benefit until the client’s entitlement to receive the DHS benefit is terminated pursuant to section 32 on a ground other than that the client’s monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

23 Jan 2009 SR 3/2009 s3; 10 Jne 2011 SR 33/2011 s11.

Transitional (2009)(No.2) – eligibility for DHS benefits

15.4(1) In this section, “**qualifying client**” means a client who:

- (a) was receiving the DHS benefit before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2009 (No. 2)*; and
- (b) as a result of the coming into force of *The Disability Housing Supplement Amendment Regulations, 2009 (No.2)* would no longer be eligible to receive the DHS benefit because the client’s monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

(2) Notwithstanding any other provision of these regulations, a qualifying client continues to be eligible to receive the DHS benefit until the client's entitlement to receive the DHS benefit is terminated pursuant to section 32 on a ground other than that the client's monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

11 Sep 2009 SR 77/2009 s4; 10 Jne 2011 SR 33/2011 s12.

Transitional (2010) – eligibility for DHS benefits

15.5(1) In this section, “**qualifying client**” means a client who:

- (a) was receiving the DHS benefit on the day before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2010*; and
 - (b) as a result of the coming into force of *The Disability Housing Supplement Amendment Regulations, 2010* would no longer be eligible to receive the DHS benefit because the client's monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.
- (2) Notwithstanding any other provision of these regulations, a qualifying client continues to be eligible to receive the DHS benefit until the client's entitlement to receive the DHS benefit is terminated pursuant to section 32 on a ground other than that the client's monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

26 Mar 2010 SR 15/2010 s3; 10 Jne 2011 SR 33/2011 s13.

Transitional (2010) – amount of DHS benefit

15.6(1) In this section, “**qualifying client**” means a client:

- (a) who was receiving the DHS benefit on the day before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2010*;
 - (b) who was a member of an eligible family unit receiving SAP or TEA on the day before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2010*; and
 - (c) whose DHS benefit would be reduced, as a result of the coming into force of *The Disability Housing Supplement Amendment Regulations, 2010*, by the amount of the SAP/TEA adjustment set out in Table 11, determined on the basis of the variables mentioned in subsection 15(4), as that table existed on the day before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2010*.
- (2) Notwithstanding any other provision of these regulations, a qualifying client's DHS benefit continues to be reduced by the SAP/TEA adjustment set out in Table 11, determined on the basis of the variables mentioned in subsection 15(4), as that table existed on the day before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2010*, until the client's entitlement to receive the DHS benefit is terminated pursuant to section 32.

26 Mar 2010 SR 15/2010 s3; 10 Jne 2011 SR 33/2011 s14.

Transitional (2010) (No. 3) – eligibility for DHS benefits

15.7(1) In this section, “**qualifying client**” means a client who:

(a) was receiving the DHS benefit before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2010 (No.3)*; and

(b) as a result of the coming into force of *The Disability Housing Supplement Amendment Regulations, 2010 (No.3)* would no longer be eligible to receive the DHS benefit because the client’s monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

(2) Notwithstanding any other provision of these regulations, a qualifying client continues to be eligible to receive the DHS benefit until the client’s entitlement to receive the DHS benefit is terminated pursuant to section 32 on a ground other than that the client’s monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

1 Oct 2010 SR 100/2010 s3; 10 Jne 2011 SR 33/
2011 s15.

Transitional (2011) – eligibility for DHS benefits

15.8(1) In this section, “**qualifying client**” means a client who:

(a) was receiving the DHS benefit before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2011*; and

(b) as a result of the coming into force of *The Disability Housing Supplement Amendment Regulations, 2011* would no longer be eligible to receive the DHS benefit because the client’s monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

(2) Notwithstanding any other provision of these regulations, a qualifying client continues to be eligible to receive the DHS benefit until the client’s entitlement to receive the DHS benefit is terminated pursuant to section 32 on a ground other than that the client’s monthly rent is less than the minimum qualifying rent determined by the minister on the basis of the variables mentioned in subsections 11(3) to (6), as the case may be.

4 Mar 2011 SR 4/2011 s3; 10 Jne 2011 SR 33/
2011 s16.

Application

16(1) One member of a family unit may apply for the DHS benefit on behalf of the family unit.

(2) An applicant must:

(a) apply to the department by telephone and provide the information requested that is necessary to establish the eligibility of the applicant's family unit to receive the DHS benefit, including, without limiting the generality of the foregoing:

(i) the composition of the applicant's family unit;

(ii) the type and duration of any disability of a member of the applicant's family unit; and

(iii) with respect to the accommodation occupied by the applicant's family unit as its primary residence:

(A) the type and condition of the accommodation;

(B) the location of the accommodation;

(C) any disability housing support made or provided in the accommodation;

(D) the amount per month being paid as rent for the accommodation; and

(E) whether the amount being paid as rent includes payment for the provision of heating;

(b) orally give consent to the inspection of the accommodation by a representative of the department to verify the information mentioned in subclause (a)(iii);

(c) orally declare whether or not any member of the applicant's family unit is receiving SAP or TEA; and

(d) orally provide the health services numbers of the applicant and the applicant's spouse, if any, and give consent to their use for the purposes of section 8.

(3) If, in the opinion of a program manager, exceptional circumstances exist, the program manager may permit:

(a) a person other than a member of the family unit to apply for the DHS benefit on behalf of a family unit; or

(b) an applicant to make an application in writing.

Confirmation and income information required

17 An applicant who wishes to proceed with an application, and the applicant's spouse, if any, must provide:

- (a) confirmation of the application in accordance with section 18; and
- (b) information respecting their incomes in accordance with section 19.

15 Apr 2005 cS-8 Reg 8 s17.

Confirmation of application

18(1) The confirmation of an application must:

- (a) be made in writing on a form supplied by the department and must be signed by the applicant and the applicant's spouse, if any; and
 - (b) be returned to the department before the end of the month that follows the month in which the application is made.
- (2) Where an applicant fails to return the completed confirmation form to the department within the period mentioned in clause (1)(b), the application is discontinued and will not be processed.
- (3) The confirmation form will include:
- (a) a declaration that the applicant and the applicant's spouse, if any, have reviewed the information set out on the form and the information provided pursuant to section 16 and confirm that it is correct;
 - (b) the consent of the applicant and the applicant's spouse, if any, to the disclosure to the department of personal information with respect to the family unit in the records of government departments and agencies and other bodies for the purpose of determining the eligibility of the family unit to receive the DHS benefit or to continue receiving the DHS benefit and the amount of the DHS benefit to which the family unit may be entitled;
 - (c) the consent of the applicant and the applicant's spouse, if any, to the use of the social insurance numbers and health services numbers of the applicant and the applicant's spouse for the purpose of determining the eligibility of the family unit to receive the DHS benefit or to continue receiving the DHS benefit and the amount of the DHS benefit to which the family unit may be entitled;
 - (d) the consent of the applicant and the applicant's spouse, if any, to an inspection by a representative of the department of the accommodation described in the application as the primary residence of the applicant's family unit or any other accommodation subsequently reported to the department as the primary residence of the family unit to verify any information respecting the accommodation that is necessary to determine the eligibility of the applicant's family unit to receive the DHS benefit or the amount of the DHS benefit payable with respect to the family unit; and
 - (e) the information to be provided by the applicant or the applicant's financial institution to make possible the direct deposit of the applicant's DHS benefit in an account of the applicant with that financial institution.

15 Apr 2005 cS-8 Reg 8 s18.

Income information

19(1) Before the end of the month that follows the month in which an application is made, the applicant must:

- (a) by telephone, provide complete information with respect to the gross amounts of the income, other than income from farming or self-employment, of the applicant and the applicant's spouse, if any, for the previous month; and
 - (b) if the applicant or the applicant's spouse has any income from farming or self-employment:
 - (i) provide by telephone the gross amount of income from farming and self-employment reported in the return of income filed pursuant to the *Income Tax Act* (Canada) for the preceding taxation year; or
 - (ii) in the case of income from a farm or business in its first calendar year of operation, provide by telephone complete information with respect to the gross income from the farm or business for the previous month.
- (2) Where, in the opinion of a program manager, exceptional circumstances exist, the program manager may permit:
- (a) a person other than the applicant to provide the income information required by subsection (1) on behalf of the applicant; or
 - (b) an applicant to provide the income information required by subsection (1) in writing.
- (3) An application is discontinued and will not be processed if:
- (a) the applicant fails to provide the income information required by subsection (1) to the department within the period mentioned in subsection (1); or
 - (b) the applicant or the applicant's spouse has income from a farm or business that has been in operation for more than one calendar year and has not filed a return of income pursuant to the *Income Tax Act* (Canada) with respect to that income.

15 Apr 2005 cS-8 Reg 8 s19.

Determination of eligibility

20(1) The information provided pursuant to sections 16 and 19 will be assessed to determine whether the family unit of an applicant is an eligible family unit.

(2) After an initial determination of eligibility, the eligibility of a family unit to receive the DHS benefit will be reassessed each month to take into account any changes in income, composition of the family unit, any disability of a member of the family unit, type or location of accommodation, condition of accommodation, disability housing supports made or provided, amount of rent or any other factor that affects eligibility.

15 Apr 2005 cS-8 Reg 8 s20.

Discrepancies in information

21(1) In this section, “**information holder**” means:

- (a) the Department of Health;
 - (b) the Maintenance Enforcement Office continued by *The Enforcement of Maintenance Orders Act, 1997*;
 - (c) the Workers’ Compensation Board continued by *The Workers’ Compensation Act, 1979* or a similar body established by another jurisdiction;
 - (d) any department or agency of the Government of Canada that keeps records pursuant to the *Canada Pension Plan*, the *Old Age Security Act* (Canada) or the *Income Tax Act* (Canada), any department or agency of the Government of Quebec that keeps records pursuant to the *Quebec Pension Plan* or any department or agency of the government of any province or territory that keeps records pursuant to income tax legislation;
 - (e) the Canada Employment Insurance Commission; or
 - (f) an employer of an applicant, a client or a spouse of an applicant or client.
- (2) If there are discrepancies between the information provided by an applicant or client and the information in the records of an information holder:
- (a) the eligibility of the applicant and the amount of the DHS benefit, if any, to which the applicant is entitled will be determined on the basis of the information in the records of the information holder; and
 - (b) the eligibility of the client to continue receiving the DHS benefit and the amount of the client’s DHS benefit will be determined on the basis of the information in the records of the information holder until the information holder has corrected that information at the request of the client.

15 Apr 2005 cS-8 Reg 8 s21.

Personal identification number and account number

22 When an application is approved, the client will be assigned a personal identification number and an account number.

15 Apr 2005 cS-8 Reg 8 s22.

Telephone inquiries and reporting

23(1) Subject to subsection (2), a client requesting information about his or her file, reporting monthly income pursuant to section 24, reporting changes pursuant to subsection 25(1) or (2) or making a quarterly report pursuant to section 26 must do so by telephone.

(2) Where, in the opinion of a program manager, exceptional circumstances exist, the program manager may accept a written report.

15 Apr 2005 cS-8 Reg 8 s23.

Reporting monthly income, filing tax return

24 If a client or a client's spouse has income from farming or self-employment that is being calculated pursuant to subsection 38(3), the client must:

- (a) report at the beginning of each month the gross amount of all income from farming and self-employment for the previous month, until July of the calendar year that follows the first calendar year of operation of the farm or business from which the income is obtained; and
- (b) file a return of income pursuant to the *Income Tax Act* (Canada) before the end of June of the calendar year that follows the first calendar year of operation of the farm or business from which the income is obtained.

15 Apr 2005 cS-8 Reg 8 s24.

Reporting changes

25(1) A client must report to the department any change in monthly income not later than the last day of the month following the month in which the change occurs.

(2) A client must report, not later than the last day of the month in which the change occurs:

- (a) to the department:
 - (i) any change in the following:
 - (A) monthly rent;
 - (B) disability of a member of the family unit;
 - (C) disability housing supports made or provided;
 - (D) type or location of accommodation;
 - (E) the condition of the premises if the change in condition presents a serious hazard to the health or safety of persons residing in the accommodation; and
 - (ii) if the type or location of accommodation has changed:
 - (A) the condition of the new accommodation; and
 - (B) the disability housing supports made or provided in the new accommodation; and
- (b) to the Department of Health, any change in the composition of the family unit or the address of the family unit.

(3) Where a client reports a change in the composition of the family unit that involves the addition of a spouse or a change of spouse, the client must provide confirmation of information respecting the spouse and the spouse's consent in accordance with section 16.

15 Apr 2005 cS-8 Reg 8 s25.

Quarterly report

26(1) In addition to the requirements of section 25, a client must report on a quarterly basis in accordance with this section, unless the program manager waives the requirement in accordance with subsections (4) and (5).

(2) A form setting out the information that is currently in the client's file will be mailed to the client before the quarterly report is required.

(3) A client must review the information set out in the form and, in the manner described in section 23, make a quarterly report confirming that the information is correct or notifying the department of any changes in the information;

(4) Subject to subsection (5), a program manager may, in a particular case, waive the requirement for a client to submit a quarterly report if, in the opinion of the program manager, exceptional circumstances exist.

(5) In a particular case, a program manager shall not waive the requirement for a quarterly report with respect to consecutive reporting periods.

15 Apr 2005 cS-8 Reg 8 s26; 13 Apr 2006 SR 29/2006 s9.

Late report

27(1) Subject to subsection (2), if a client fails to complete the requirements of section 24, 25 or 26 in the month in which the report is required, the payment of the DHS benefit will be suspended.

(2) If a client meets the requirements of section 24, 25 or 26 in the month that follows the month in which compliance was required and otherwise remains eligible for the DHS benefit, the client's entitlement to receive the DHS benefit for the month mentioned in subsection (1) will be reinstated.

(3) If a client fails to meet the requirements of section 24, 25 or 26 by the end of the month that follows the month in which compliance was required, the client's entitlement to receive payments of the DHS benefit terminates in accordance with clause 32(c).

15 Apr 2005 cS-8 Reg 8 s27.

Audit

28(1) For the purpose of monitoring compliance with these regulations, a program manager may at any time, by written notice, require a client, within 21 days after the date of the written notice, to do any or all of the following:

(a) provide or confirm any information that is necessary to determine the eligibility of the client's family unit or the amount of the DHS benefit payable with respect to the family unit;

(b) permit a representative of the department to inspect the accommodation reported as the primary residence of the client's family unit to confirm any information respecting the accommodation that is necessary to determine the eligibility of the client's family unit or the amount of the DHS benefit payable with respect to the family unit.

- (2) If the information provided by the client is complete:
 - (a) the eligibility of the client's family unit will be reassessed pursuant to subsection 20(2); and
 - (b) the amount of the DHS benefit will be recalculated pursuant to subsections 29(2) to (4).
- (3) If the information provided by the client is incomplete, the program manager shall send a further written notice to the client requiring the client, within 15 days after the date of the further written notice, to provide the information that is missing.

15 Apr 2005 cS-8 Reg 8 s28.

Calculation of DHS benefit

- 29(1)** The amount of the DHS benefit for a month is calculated in accordance with section 15 based on the income of the family unit in the month preceding the month in which the payment is to be made.
- (2) After the initial calculation of the amount of the DHS benefit, the amount is recalculated each month, taking into account any changes in circumstances that affect the amount of the benefit, other than a change in the rent-to-income ratio.
- (3) For the purposes of recalculating the amount of the DHS benefit, changes in circumstances are taken into account from the date on which they are reported to the department or received by the department from the Department of Health, as the case may be.
- (4) Where a recalculation results in a determination of an underpayment, no payment will be made with respect to the underpayment with respect to the period before the recalculation unless:
 - (a) the underpayment is the result of an error made by the department; or
 - (b) the program manager is satisfied that the underpayment is the result of an error made by an applicant or client as a result of difficulty in providing information and, in the opinion of the program manager, it would be inappropriate not to make a payment with respect to the underpayment.

15 Apr 2005 cS-8 Reg 8 s29.

Minimum benefit

- 30** Where the amount of the DHS benefit of an applicant or client calculated pursuant to section 15 is greater than zero but less than \$10 per month, the amount of the DHS benefit is deemed to be \$10 per month.

15 Apr 2005 cS-8 Reg 8 s30.

Payment of DHS benefit

- 31(1)** The DHS benefit will be paid to a client with respect to the month in which an application is made, as calculated pursuant to subsection 29(1), and thereafter on a monthly basis, as recalculated pursuant to subsection 29(2), while the client remains eligible.
- (2) Subject to subsection (3), the DHS benefit will be paid to a client only by direct deposit to an account of the client with a financial institution.
- (3) A program manager may approve payment directly by cheque to a client:
- (a) where the client is unable to obtain an account with a chartered bank, trust company or credit union; or
 - (b) in other exceptional circumstances where the program manager considers it appropriate to do so.
- (4) A written statement of benefits will be provided to a client on request.

15 Apr 2005 cS-8 Reg 8 s31.

Termination of entitlement

32 A client's entitlement to receive payments of the DHS benefit terminates where:

- (a) as a result of a change in income, composition of the family unit, disability of a member of the family unit, type or location of accommodation, disability housing supports made or provided, amount of rent or any other factor that affects eligibility, the client is determined to be no longer eligible for the DHS benefit;
- (b) in the opinion of a program manager, the condition of the client's accommodation presents a serious hazard to the health or safety of the client's family unit; or
- (c) the client fails:
 - (i) to meet the requirements of section 25 within the period mentioned in subsection 27(3);
 - (ii) to complete a quarterly report pursuant to section 26 within the period mentioned in subsection 27(3);
 - (iii) in the case of a client who is required to report income from farming or self-employment pursuant to section 24:
 - (A) to complete a monthly income report pursuant to clause 24(a) within the period mentioned in subsection 27(3); or
 - (B) to file a return of income pursuant to the *Income Tax Act* (Canada) within the period described in clause 24(b);
 - (iv) to comply with a notice requiring information in accordance with clause 28(1)(a) or subsection 28(3); or
 - (v) to comply with a notice requiring the client to permit a representative of the department to inspect the client's accommodation in accordance with clause 28(1)(b).

15 Apr 2005 cS-8 Reg 8 s32.

Notice of termination

33 Where a client's entitlement to receive payments of the DHS benefit is terminated for a reason described in section 32, written notice will be given to the client that the client's entitlement to payments of the DHS benefit is terminated.

15 Apr 2005 cS-8 Reg 8 s33.

Effects of termination

34(1) Subject to subsection (2), where a client's entitlement to receive payments of the DHS benefit is terminated, no further payments of the DHS benefit will be made to the client unless:

- (a) on an appeal pursuant to section 42 or 44, it is determined that the client is eligible to receive the DHS benefit; or
- (b) the client re-establishes his or her entitlement to receive the DHS benefit pursuant to section 35.

(2) In the case of a client whose entitlement to receive payments of the DHS benefit is terminated pursuant to clause 32(b), a program manager may authorize the payment of two additional monthly payments of the DHS benefit to the client if, in the opinion of the program manager, it is warranted in the circumstances.

15 Apr 2005 cS-8 Reg 8 s34; 13 Apr 2006 SR 29/2006 s10.

Reinstatement

35(1) A client whose DHS benefit is terminated pursuant to section 32 or who withdraws from the program must request reinstatement if he or she wishes to re-establish his or her entitlement to receive the DHS benefit.

(2) Subject to subsection (3), a request for reinstatement is to be made by telephone, and the information necessary for determining the eligibility of the client for reinstatement is to be confirmed by telephone.

(3) Where, in the opinion of a program manager, exceptional circumstances exist, the program manager may permit:

- (a) a person other than the client to request reinstatement on behalf of a family unit; or
- (b) a client to request reinstatement in writing.

(4) Where a client's request for reinstatement is granted:

- (a) the consents given by the client and the client's spouse, if any, pursuant to subsection 18(3) are deemed to be valid; and
- (b) the client must provide income information pursuant to section 19 before payment of the DHS benefit will resume.

15 Apr 2005 cS-8 Reg 8 s35.

PART III
Rules Relating to Calculation of Income

Employment income – when received

36(1) Where an individual receives employment income on a day other than the regular pay date, the employment income is deemed to be employment income received in the month in which the regular pay date would have occurred.

(2) Actual gratuities received by an individual for labour or personal services are to be included as employment income, to a maximum of 20% of wages received by the individual.

15 Apr 2005 cS-8 Reg 8 s36.

Income received as lump sum

37(1) Subject to subsection (2) and section 38, income in the form of a lump sum payment is apportioned, commencing with the month in which the payment is received, over a number of months equal to the length of the period to which the payment relates, to a maximum of 12 months.

(2) Income in the form of a lump sum payment with respect to an obligation in arrears is included in the calculation of income in the month in which it is received.

15 Apr 2005 cS-8 Reg 8 s37.

Calculation of farming and self-employment income

38(1) In the case of an individual who has filed a return of income pursuant to the *Income Tax Act* (Canada) for the preceding taxation year, the farming and self-employment income of the individual for a month is the amount FSE, calculated in accordance with the following formula:

$$\text{FSE} = P \times \frac{G}{N}$$

where:

P is either 0.40 or 0.25, whichever results in the calculation of the greater combined benefit calculated in accordance with subsection (2);

G is the total of all amounts of gross income from farming and self-employment reported in the return of income for the preceding taxation year; and

N is the number of months in the preceding taxation year in which the individual was engaged in farming or self-employment.

(2) The combined benefit of an individual is the amount CB calculated in accordance with the following formula:

$$\text{CB} = \text{DHS} + \text{RHS} + \text{SES}$$

where:

DHS is the amount of the DHS benefit to which the individual would be entitled pursuant to section 15 if the individual is eligible to receive that benefit;

RHS is the amount of the RHS benefit to which the individual would be entitled pursuant to *The Rental Housing Supplement Regulations* if the individual is eligible to receive that benefit; and

SES is the amount of the SES benefit to which the individual would be entitled pursuant to *The Employment Supplement Regulations* if the individual is eligible to receive that benefit.

(3) In the case of an individual who has not filed a return of income pursuant to the *Income Tax Act* (Canada) for the preceding taxation year, the farming and self-employment income of the individual for a month is the amount FSE calculated in accordance with the following formula:

$$\text{FSE} = \text{P} \times \text{G}$$

where:

P is either 0.40 or 0.25, whichever results in the calculation of the greater combined benefit for the month calculated in accordance with subsection (2); and

G is the individual's gross income from farming and self-employment in the previous month.

(4) Where a farm or business operated by an individual is incorporated, the individual's farming and self-employment income will be determined as a share of the gross amount of income of the corporation that is proportionate to the number of shares in the corporation owned by the individual.

15 Apr 2005 cS-8 Reg 8 s38.

PART IV Appeals

Interpretation of Part

39 In this Part:

- (a) **“adjudicator”** means the adjudicator appointed pursuant to section 43;
- (b) **“appellant”** means a person who:
 - (i) appeals a decision to a program manager or designate pursuant to section 42; or
 - (ii) appeals a decision of a program manager or designate to an adjudicator pursuant to section 44.

15 Apr 2005 cS-8 Reg 8 s39.

Advice re right to appeal

40(1) A program manager shall advise clients in writing of their right to appeal decisions described in subsection 41(1).

(2) A program manager shall advise applicants orally, or by supplying them with a brochure, of their right to appeal a decision with respect to an assessment of their eligibility.

15 Apr 2005 cS-8 Reg 8 s40.

Grounds for appeal

41(1) Appeals may be made only with respect to oral or written decisions relating to the following matters:

- (a) assessment of eligibility;
- (b) calculation of the DHS benefit;
- (c) suspension of payment of the DHS benefit;
- (d) termination of entitlement to receive the DHS benefit;
- (e) overpayments.

(2) For the purposes of clause (1)(b) and subsection 42(1), payment of the DHS benefit is deemed to be a decision with respect to the calculation of the DHS benefit, and the date of payment is deemed to be the date of the decision.

(3) Subject to subsection (4), an appeal may be commenced only by a client or by a person with authority pursuant to an Act or a court order to act on behalf of a client.

(4) An appeal may be commenced with respect to the assessment of eligibility by an applicant or by a person with authority pursuant to an Act or a court order to act on behalf of an applicant.

15 Apr 2005 cS-8 Reg 8 s41.

Appeal to program manager

42(1) An appellant may appeal a decision mentioned in subsection 41(1) to a program manager or a program manager's designate by submitting to the program manager a written notice of appeal within 30 days after the date of the decision.

(2) An appellant must provide any written documentation in support of the appeal when submitting the notice of appeal.

(3) Within 20 days after receiving a notice of appeal, a program manager or designate shall:

- (a) consider the appeal and make a decision; and
- (b) mail to the appellant a copy of the decision together with written reasons for the decision.

15 Apr 2005 cS-8 Reg 8 s42.

Adjudicator

43(1) The minister shall appoint an adjudicator for the purpose of considering and determining appeals pursuant to section 44.

(2) The department shall provide the adjudicator with any clerical and other support that is needed for carrying out the duties of the adjudicator pursuant to these regulations.

15 Apr 2005 cS-8 Reg 8 s43.

Appeal to adjudicator

44(1) An appellant may appeal a decision of a program manager or designate pursuant to clause 42(3)(a) to the adjudicator by filing a notice of appeal, together with any written submissions and materials in support of the appeal, with the department within 30 days after the date of the decision.

(2) The department shall promptly transmit to the adjudicator any notice of appeal filed pursuant to subsection (1), together with any written submissions and materials filed in support of the appeal.

(3) As soon as is practicable after a notice of appeal filed pursuant to subsection (1) is transmitted to the adjudicator, the adjudicator shall provide the program manager or designate with a copy of the notice of appeal and any written submissions and materials filed by the appellant.

(4) The program manager or designate shall:

(a) file any written submissions and materials in support of the decision that is the subject of the appeal within seven days after receiving a copy of the notice of appeal; and

(b) as soon as is practicable, provide the appellant with a copy of the submissions and materials mentioned in clause (a).

(5) An appeal pursuant to this section is to be based on the written submissions of the appellant and the program manager or designate.

(6) The adjudicator shall review the decision and the submissions of the parties and may require the parties to provide further information.

(7) The adjudicator shall make a decision within 20 days after the day on which the notice of appeal is transmitted to the adjudicator and provide the parties with a copy of the decision, together with written reasons for the decision.

(8) The decision of an adjudicator is final and there is no further right of appeal.

15 Apr 2005 cS-8 Reg 8 s44.

Benefits to successful appellant

45(1) Where an appellant who was receiving the DHS benefit before the commencement of an appeal pursuant to section 42 is successful on the appeal or on a further appeal pursuant to section 44, and it is determined that the appellant is entitled to receive the DHS benefit in an amount greater than the amount actually received, the appellant is entitled to receive a payment in an amount equal to the difference between the total of the amounts actually received and the total of the amounts to which the appellant is determined to be entitled.

(2) Where an appellant whose application for the DHS benefit was refused is successful on an appeal pursuant to section 42 or on a further appeal pursuant to section 44, and it is determined that the appellant is entitled to receive the DHS benefit, the appellant is entitled to receive a payment in an amount equal to the total of the amounts of the DHS benefit that the appellant would have received if the appellant's application for the DHS benefit had been approved.

15 Apr 2005 cS-8 Reg 8 s45.

**PART V
General****Overpayments**

46(1) Overpayments will be deducted from the next regular payment.

(2) Subject to subsection (3), if the amount of an overpayment exceeds the amount of the DHS benefit payable in the next regular payment, the remainder of the overpayment will be recovered by deduction from succeeding regular payments until the entire amount of the overpayment is recovered.

(3) Where, in the opinion of the program manager, exceptional circumstances exist, the program manager may reduce the rate at which overpayments are recovered from a client.

15 Apr 2005 cS-8 Reg 8 s46.

Coming into force

47(1) Subject to subsection (2), these regulations come into force on April 1, 2005.

(2) If these regulations are filed with the Registrar of Regulations after April 1, 2005, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

15 Apr 2005 cS-8 Reg 8 s47.

Appendix

Repealed. 10 Jne 2011 SR 33/2011 s17.