

EC2003-386

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
STEVEN COLLICUTT
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Steven Collicutt of Red Deer County, Alberta to acquire a land holding of approximately six decimal six (6.6) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from Harry Collicutt of O'Leary, Prince Edward Island.

EC2003-387

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CHARLES HUNT AND KRISTINA HUNT
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Charles Hunt and Kristina Hunt, both of Bedford, New York to acquire a land holding of approximately ninety-nine decimal two five (99.25) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from the Estate of Laura Graham, late of Peters Road, Prince Edward Island and her heirs, Pearl Williams of Beach Point, Prince Edward Island and Gerald Irving of Cambridge, Prince Edward Island, PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2003-388

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ALIANTELECOM INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Aliant Telecom Inc. of Charlottetown, Prince Edward Island to acquire an interest in a land holding of approximately one (1) acre of land in Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Island Coastal Services Ltd. of Charlottetown, Prince Edward Island.

EC2003-389

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 BLUE HORIZONS BLUEBERRIES LTD.
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Blue Horizons Blueberries Ltd. of O'Leary, Prince Edward Island to acquire a land holding of approximately sixty-five (65) acres of land in Lot 8, Prince County, Province of Prince Edward Island, being acquired from Shane Gorrill of Unionvale, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2003-390

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 MARVYN'S GARDEN INC.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Marvyn's Garden Inc. of Munn's Road, Prince Edward Island to acquire a land holding of approximately forty-eight (48) acres of land in Lot 47, Kings County, Province of Prince Edward Island, being acquired from Bruce Farms Inc. of South Lake, Prince Edward Island.

EC2003-391

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 SWEET FARMS INC.
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Sweet Farms Inc. of Knutsford, Prince Edward Island to acquire a land holding of approximately forty-six (46) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from J. Allan Arsenault and Jack Arsenault, both of O'Leary, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2003-392

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WEBSTER FARMS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Webster Farms Inc. of Kinkora, Prince Edward Island to acquire a land holding of approximately one hundred and thirty-three (133) acres of land in Lot 27, Prince County, Province of Prince Edward Island, being acquired from Allison McCardle and Christopher McCardle, both of Kinkora, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2003-393

MENTAL HEALTH ACT
MENTAL HEALTH REVIEW BOARD
APPOINTMENTS

Pursuant to section 27 of the *Mental Health Act* R.S.P.E.I. 1988, Cap. M-6.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
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as alternate psychiatrist member, via subsection 27(4)

Dr. Robert Forsythe	6 June 2003
Charlottetown	to
(reappointed)	6 June 2006

as an alternate lay member, via subsection 27(4)

Emmett Bradley	6 June 2003
Stratford	to
(reappointed)	6 June 2006

EC2003-394**REVENUE TAX ACT**

**REGULATIONS
AMENDMENT**

Pursuant to section 57 of the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14, Council made the following regulations:

1. Subsection 1(1) of the *Revenue Tax Act* Regulations (EC262/60) is amended

(a) by the revocation of clause (g.1) and the substitution of the following:

(g.01) "community pasture organization" means a non-profit or cooperative organization that is incorporated for the purpose of community pasture organization

providing, for a fee, pasture land for the use of livestock owned by farmers;

(g.1) “computer software” means packaged or pre-written computer programs, and includes computer software

- (i) a plan for the solution of a problem through the use of a computer,
- (ii) instructions to enable or cause a computer to control or perform a function, or to produce a desired result, either directly or through the working of other equipment,
- (iii) system programs, application programs and any other computer programs or subdivisions thereof, including assemblers, compilers, routines, generators and utility programs,
- (iv) the design, development, writing, translation or fabrication of a computer program, whether or not provided on storage media,
- (v) the right to use those programs, and
- (vi) modifications to or of those programs,

but does not include a computer program that is designed and developed solely to meet the specific requirements of the purchaser;

(b) by the addition of the following after clause (i):

- (i.1) “extrajurisdictional student” means a student who extrajurisdictional student
- (i) is in full-time attendance at an approved educational institution in the province, and
 - (ii) has parents who reside outside of the province;

(c) in clause 1(1)(m),

- (i) by the addition of the words “and from custom agricultural contracting” after the words “income from farming” wherever they occur, and**
- (ii) by the addition of the words “or custom agricultural contracting” after the words “engaged in farming” wherever they occur;**

(d) by the revocation of clause (t) and the substitution of the following:

- (t) “settler” means an individual who takes up residence in the province immediately after residing outside the province, settler
- (i) in the case of an individual who is an extrajurisdictional student, for a period of not less than three consecutive months, or
 - (ii) in the case of an individual other than an extrajurisdictional student, for a period of not less than six consecutive months;

(t.01) “settlers’ effects” means any household goods and equipment, including motor vehicles and boats, that settlers bring into the province on, or within six months of, taking up residence in the province and that settlers’ effects

- (i) are solely for the personal consumption or use of the settlers in the province and not for any commercial purpose, and
- (ii) were owned, physically possessed and used by the settlers for at least 30 days prior to the settlers’ taking up residence in the province;

2. (1) Section 12 of the regulations is amended by the revocation of subsection (9) and the substitution of the following:

- (9) In this section, “part-time farmer” means an individual, or a partnership or corporation registered in the province, that is part-time farmer, defined
- (a) actively engaged in a farming operation, or a custom agricultural contracting operation; and
 - (b) reporting income from
 - (i) the sale of products from the farming operation, or
 - (ii) the custom agricultural contracting operation.

(2) Section 12 of the regulations is amended by the addition of the following after subsection (11):

- (12) The Minister may refund the tax paid on goods purchased by a community pasture organization for its own use if the goods would be Community pasture organization, refund

exempt, or if the tax paid on them would be refundable, under these regulations if purchased or paid by a farmer.

(13) The Minister may authorize a rebate to the Crown of the tax paid on liquid asphalt by asphalt contractors and included in the contract price billed to the Crown for the supply and installation of asphaltic concrete. Liquid asphalt rebate

3. The regulations are amended by the addition of the following after section 13:

13.1 (1) The Minister may issue a Revenue Tax Exemption Permit to a farmer, commercial fisherman or aquaculturist who makes application in a form approved by the Minister. Revenue Tax Exemption Permit

(2) A Revenue Tax Exemption Permit shall be in a form approved by the Minister. Form

(3) The term of a permit issued under subsection (1) shall be specified on the permit. Term of permit

(4) A Revenue Tax Exemption Permit is not transferable. Not transferable

4. Subsection 14(1) of the regulations is revoked and the following substituted:

14. (1) Where a farmer, commercial fisherman or aquaculturist purchases goods that are exempt from tax when purchased for use in their respective industries, the farmer, commercial fisherman or aquaculturist shall not be required to pay the tax otherwise levied under the Act if the farmer, commercial fisherman or aquaculturist presents to the vendor a valid Revenue Tax Exemption Permit issued under section 13.1 in the name of the farmer, commercial fisherman or aquaculturist. Present permit

5. The regulations are amended by the addition of the following after section 14:

14.1 Where a consumer is eligible for a rebate from the Canada Customs and Revenue Agency of the provincial component of harmonized sales tax on a purchase of goods for consumption in the province, and the consumer assigns his or her right to that rebate to the Minister, the applicable tax may be deemed to have been paid to the extent of the amount of the rebate. Rebate

6. Section 38 of the regulations is revoked.

7. These regulations come into force on August 2, 2003.

EXPLANATORY NOTES

SECTION 1 provides definitions for “community pasture organization”, “computer software”, “extrajurisdictional student”, “settler” and “settlers’ effects”.

SECTION 2 adds a definition for “part-time farmer”, allows a tax refund for farm goods purchased by a community pasture organization, and allows a tax rebate to the Crown of tax paid and included in a paving contract price for liquid asphalt.

SECTION 3 permits the Minister to issue Revenue Tax Exemption Permits.

SECTION 4 allows a farmer, commercial fisherman or aquaculturist to purchase certain goods tax exempt if the vendor is presented with a Revenue Tax Exemption Permit issued in the farmer’s, commercial fisherman’s or aquaculturist’s name.

SECTION 5 deems tax to have been paid by a taxpayer who assigns to the province his or her right to a rebate of the provincial component of HST on a purchase of goods for consumption in this province.

SECTION 6 revokes section 38 in the regulations, which deals with the time period for audit assessments.

SECTION 7 provides for the commencement of these regulations.

EC2003-395

AN ACT TO AMEND THE WELFARE ASSISTANCE ACT DECLARATION RE

Under authority of section 17 of *An Act to Amend the Welfare Assistance Act* Stats. P.E.I. 2001, 3rd Session, c. 19 Council ordered that a Proclamation do issue proclaiming "*An Act to Amend the Welfare Assistance Act*" to come into force effective 4 August 2003.

EC2003-396

SOCIAL ASSISTANCE ACT

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. (1) In these regulations | Definitions |
| (a) "Act" means the <i>Social Assistance Act</i> R.S.P.E.I. 1988, Cap. S-4.3; | Act |
| (b) "administrator" means the senior administrative officer of a nursing home; | administrator |
| (c) "agent" means an adult person who applies for, or has applied for, assistance on behalf of an applicant; | agent |
| (d) "applicant" means | applicant |
| (i) a person who applies for social assistance, or | |
| (ii) a person who receives social assistance; | |
| (e) "comfort allowance" means a comfort allowance granted under subsection 39(2) to an applicant living in a nursing home for the purchase of items relating to recreation and comfort; | comfort allowance |
| (f) "dependent" means a person who wholly or substantially relies on an applicant for items of basic need; | dependent |
| (g) "Disability Support Program" means a provincial program that provides support to a person with a disability; | Disability Support Program |
| (h) "emergency assistance" means financial assistance granted to an applicant on a one-time basis for a period of time not exceeding one month; | emergency assistance |
| (i) "established rates" means the rates of financial assistance established by the Lieutenant Governor in Council under subsection 4.1(1) of the Act; | established rates |
| (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 but, for the purposes of Part II only, excludes the value of the principal residence of the applicant if the applicant held ownership of the principal residence at the time of the applicant's death; | estate |

- (k) “financial resources” means the financial resources of an applicant as determined by the regional authority in accordance with
 (i) subsection 13(3), for the purposes of Part I, and
 (ii) subsection 34(2), for the purposes of Part II; financial resources
- (l) “healthy child allowance” means an allowance paid under these regulations for cultural and recreational activities for a dependent minor child of an applicant; healthy child allowance
- (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; items of basic need
- (n) “items of special need” means items of special need described in section 19; items of special need
- (o) “liquid assets” means the liquid assets listed
 (i) in subsection 13(4) for the purposes of Part I, and
 (ii) in clause 34(2)(b), for the purposes of Part II; liquid assets
- (p) “long-term assistance” means financial assistance granted to an applicant for a period of four consecutive months or more; long-term assistance
- (q) “nursing home” means a residential institution that is
 (i) a manor owned by the province and operated by a regional authority, or
 (ii) a nursing home licensed under the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13,
 that provides to an applicant sleeping accommodations, meals and nursing, medical or similar care and treatment based on assessed needs; nursing home
- (r) “personal care allowance” means an allowance paid under subsection 19(7); personal care allowance
- (s) “person with a disability” means a person in need who has a continuing intellectual, mental or physical impairment; person with a disability
- (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; principal residence
- (u) “short-term assistance” means financial assistance granted to an applicant for a period of time not exceeding four consecutive months; short-term assistance
- (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; single applicant
- (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; spouse
- (x) “transient person” means a person who is present in the province and whose apparent intent is to visit temporarily in the province; transient person
- (y) “written policies” means the written policies approved under subsection 4.4(5) of the Act. written policies
- (2) A reference in these regulations to the Director
 (a) in Part I, is a reference to the Director of Social Assistance;
 (b) in Part II, is a reference to the Director of Long-term Care; and
 (c) in section 2, is a reference to the Director of Social Assistance and to the Director of Long-term Care with respect to the established rates within their respective scopes of responsibility. Director
- (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; Prescribed social 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.

(4) The following are approved residential institutions:

- (a) for the purposes of Part I,
 - (i) hostels for transients,
 - (ii) licensed community care facilities,
 - (iii) group homes and other residential facilities for applicants with a disability,
 - (iv) transition homes;
- (b) for the purposes of Part II, nursing homes.

Approved residential institutions

POLICIES

2. The Director shall ensure that the written policies include the established rates.

Established rates included in written policies

REVIEW

3. 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.

Annual review, rates and exemptions

APPLICATION

4. (1) An application for social assistance shall be
- (a) completed by an applicant and the applicant's spouse, except where a regional authority
 - (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.

Application for social assistance

(2) A regional authority

- (a) may accept an application from an agent of an applicant, where it 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.

Agent of applicant

(3) For the purposes of Part I only, a letter received from an applicant or an agent may be considered by a regional authority as an application for social assistance pending receipt of the application form completed by the applicant or agent in accordance with these regulations.

Letter

(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.

Information and evidence

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

Property of Minister

(6) A regional authority

- (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.

Applicant's living arrangements

PART I — GENERAL SOCIAL ASSISTANCE

ELIGIBILITY

5. (1) A regional authority shall inquire into the living conditions, financial resources and other circumstances of an applicant to determine whether the applicant is a person in need. Inquiries respecting applicant
- (2) Except in the case of an application for emergency assistance, an applicant shall provide to the regional authority 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 regional authority. Receipts
- (3) If an applicant is a member of a household of another person or shares a dwelling with another person, a regional authority may divide the actual expenses associated with the dwelling by the number of people sharing it. Shared dwelling
- (4) The Director shall Case audits, monitoring
- (a) conduct case audits on a random or continuing basis and shall take such other action as may be necessary for the monitoring and evaluation of service delivery; and
- (b) report regularly to the Minister on the conduct and results of such audits and other action under this subsection.
- (5) A regional authority shall provide access to its records and employees as the Director requires for case audits performed under subsection (4). Access to records, employees
- (6) A regional authority shall conduct such investigations as it considers necessary to verify the information provided by an applicant and to monitor practises and procedures for delivery of services to an applicant. Verification of information
6. (1) For the purposes of this Part, the test for determining whether an applicant is a person in need shall include the following calculations by a regional authority: Calculate needs and resources
- (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.
- (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 a regional authority may grant financial assistance to the applicant. Demonstrated need
- (3) Where an applicant is unemployed and is a person in need, a regional authority may grant financial assistance to the applicant if the regional authority is satisfied that the applicant Unemployed 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.
- (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. Voluntary absence from work
- (5) A regional authority 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. Applicant leaves work

- (6) Where an applicant is unable to seek employment because of a disability, the applicant shall provide a medical report to the regional authority describing the nature and the extent of the applicant's disability, and whether the disability is of a long-term nature. Medical report, disability
- (7) Where it is apparent that the duration of an applicant's disability is indefinite, the regional authority may require the applicant to Indefinite duration of disability
- (a) submit to further medical assessments by a qualified medical practitioner designated by the regional authority; and
- (b) authorize the reports resulting from clause (a) to be submitted to the regional authority.
- (8) A regional authority may refuse to grant financial assistance to an applicant who is a person in need where the regional authority determines that the applicant is in need because the applicant has not budgeted income and expenses in a reasonable and responsible manner. Poor budgeting by applicant
- (9) A regional authority shall refuse to grant financial assistance to an applicant if it 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. Assignment, etc. of assets
- (10) Where a regional authority determines that an applicant is separated from his or her spouse for the purpose of making the applicant eligible for financial assistance, the regional authority shall refuse, cancel or suspend assistance to the applicant. Separation of spouses
- 7.** (1) A regional authority may grant short-term financial assistance to an applicant Short-term financial assistance
- (a) who has liquid assets which do not exceed \$50; or
- (b) who is self-employed.
- (2) A regional authority may grant long-term financial assistance to an applicant who Long-term financial assistance
- (a) is a single person in need who has
- (i) no dependents and has liquid assets not exceeding the value of \$200, or
- (ii) dependents and has liquid assets not exceeding the combined value of \$900 plus \$300 for each dependent up to a maximum of \$2,400; or
- (b) has a disability, no dependents and has liquid assets not exceeding the value of \$900.
- (3) A regional authority may grant long-term financial assistance to an applicant who is a person in need and who lives with a spouse if Idem
- (a) the combined liquid assets of the applicant and spouse consist of not more than \$1,200 plus \$300 for each dependent child up to a maximum total liquid assets of \$2,400; or
- (b) either or both of the applicant and spouse have a disability and combined liquid assets that are valued at not more than \$1,800 plus \$300 for each dependent child up to a maximum total liquid assets of \$2,400.
- (4) A regional authority may grant long-term financial assistance to a self-employed applicant if the regional authority determines that the future economic viability of the activity or business of the applicant has been established. Idem
- 8.** (1) A regional authority shall consider as income the liquid assets of an applicant which are in excess of the amounts as applicable allowed under section 7. Liquid assets considered income
- (2) Unless a regional authority 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 resources
- (3) A regional authority shall consider financial aid available to an applicant as a financial resource of the applicant. Financial aid is financial resource
- (4) As a condition of eligibility for financial assistance, a regional authority may require an applicant to assign to it any income or benefits Assignment to regional authority

paid to or payable to an applicant for any period for which financial assistance will be or has been granted.

(5) A regional authority 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.

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

(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.

(8) A regional authority may waive compliance with subsection (7) if it determines that compliance with this requirement would adversely affect an applicant or would prove futile or unreasonable.

(9) Where a regional authority determines special circumstances apply and that an applicant requires financial assistance before a complete inquiry can be made into the applicant's circumstances, the regional authority may grant emergency assistance to the applicant pending a final approval of the application.

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

(2) A regional authority 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.

(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.

(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.

(5) Notwithstanding subsection (3), a regional authority 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 regional authority.

(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.

10. A regional authority may grant financial assistance to a transient person who is a person in need in an amount that the regional authority considers adequate for the cost of a meal, overnight lodging and ferry or bridge fare.

11. A regional authority 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.

REPAYMENT

12. (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

Repayment of assistance

- (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.

(2) If

Satisfaction of certificate

- (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.

FINANCIAL RESOURCES

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

Value of financial resources

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

Applicant includes spouse and dependents

(3) In determining the financial resources of an applicant, a regional authority shall include as financial resources all of the resources of the applicant that may be used for the support of the applicant, including

Financial resources

- (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.

(4) Liquid assets of an applicant include

Liquid assets

- (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.

(5) The following are exemptions from the calculation of financial resources of an applicant:

Exemptions

- (a) real property used as the applicant’s principal residence, to the value approved by the regional authority;
- (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 regional authority;

- (d) the principal vehicle of the applicant, to the value approved by the regional authority;
- (e) earned monthly income as follows:
 - (i) for a single applicant, \$75 per month and 10% of the amount exceeding \$75,
 - (ii) for an applicant who has a spouse or dependents, \$125 per month and 10% of the amount exceeding \$125;
- (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 regional authority 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), excluding any part of such a benefit attributable to the National Child Benefit Supplement;
- (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.

(6) Subject to subsections (7) and (8), a regional authority 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.

Assets to be converted to cash

(7) A regional authority may exempt from its calculations assets that can be sold or converted into cash at a loss not exceeding 25% of their market value

Loss not to exceed 25%

- (a) for 90 days; or
- (b) until the assets have been sold or converted, whichever is earlier.

(8) Notwithstanding subsection (7), a regional authority may continue to consider as exempt the assets described in subsection (7) if it 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.

Idem

14. (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.

Other adults in the residence

(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.

Meals provided to other adults

ASSISTANCE FOR ITEMS OF BASIC NEED

15. A regional authority may grant financial assistance to an applicant at the established rates for items of basic need in accordance with sections 16 to 18.

Assistance for items of basic need

16. (1) Subject to subsections (2) and (3), a regional authority 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.

Maximum monthly assistance

(2) A regional authority may increase financial assistance granted to an applicant for food by an amount that it considers appropriate

Special diet

(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 regional authority; and

(b) the cost of the special diet is shown to exceed the amount of financial assistance granted for food under these regulations.

(3) A regional authority 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.

Pregnant applicant

17. (1) Subject to subsections (2) and (3), a regional authority may grant financial assistance to an applicant at the established rates for

Cost of shelter, utilities

(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 regional authority, 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.

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

Applicant living with parent

(3) A regional authority 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.

Shared accommodations

18. A regional authority may grant financial assistance to an applicant at the established rates for

Phone, personal requirements, etc.

(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;
- (e) local transportation expenses; and
- (f) a healthy child allowance.

ASSISTANCE FOR ITEMS OF SPECIAL NEED

19. (1) A regional authority may grant financial assistance to an applicant for items of special need in accordance with subsections (3) to (22). Assistance for items of special need

(2) A regional authority 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. Records

(3) A regional authority 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 Transportation and relocation expenses

- (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.

(4) Notwithstanding subsection (3), a regional authority 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 regional authority considers necessary. Exception

(5) A regional authority shall determine the most efficient, practical and cost effective mode of transportation for which financial assistance may be granted under subsection (3). Type of transportation eligible

(6) Where an applicant who is a person with a disability has been found by a regional authority to be ineligible for the Disability Support Program, a regional authority may grant financial assistance to the applicant at the established rates as follows: Applicant with disability

- (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.

(7) A regional authority 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 Personal care allowance

the regional authority, the applicant would otherwise be unable to purchase.

(8) A regional authority 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.

School allowance

(9) A regional authority 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.

Work-related items

(10) A regional authority may grant financial assistance to an applicant at the established rates for child care expenses.

Child care expenses

(11) A regional authority 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 regional authority determines that such services are necessary for the safety or well-being of the applicant and other reasonable arrangements cannot be made.

Short-term assistance

(12) Subject to the written policies, a regional authority 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.

Respite care services

(13) A regional authority may grant financial assistance to an applicant who is a homeowner

Assistance for 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.

(14) A regional authority 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.

Additional assistance

(15) A regional authority 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:

Essential furniture or appliances

(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.

(16) A regional authority 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.

Rental, utility deposits

(17) A regional authority may grant financial assistance to an applicant for the payment of not more than two months of arrears for shelter and utilities accrued

Arrears for shelter, utilities

- (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.
- (18) Where a regional authority determines that it 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.
- (19) A regional authority may, upon application by a third party, grant assistance to the third party for the following costs where it 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.
- (20) For the purposes of subsection (19), in determining the estate of a deceased person a regional authority shall include the following in its 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) or section 35.
- (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, a regional authority 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).
- (22) A regional authority may grant financial assistance to an applicant for other items of special need not included in this section if the regional authority determines that the items are necessary for the health, safety or well-being of an applicant.

SOCIAL SERVICES

- 20.** (1) A regional authority may grant social assistance to an applicant in the form of social services if a regional authority determines that an applicant has a need for the services.
- (2) A regional authority 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, a regional authority may charge and collect such fees, charges or rates as the Minister may determine.
- 21.** (1) The Minister may enter into contracts with agencies for the granting of social services on a fee-for-service basis.
- (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.

GRANTING ASSISTANCE, METHOD OF PAYMENT

- 22.** (1) After approval of an application for financial assistance, a regional authority 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.

(2) If an application for financial assistance or for an increase in the amount of assistance is rejected, a regional authority shall advise the applicant in writing of the reason for the decision and of the right to appeal. Refusal

23. Where financial assistance is granted on a joint application, the assistance shall be payable to the person designated in the application to receive payment. Joint assistance

24. A regional authority may grant financial assistance in an amount less than the minimum available under these regulations Lesser amount

(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.

25. A regional authority may grant emergency assistance for items of basic need and items of special need. Emergency assistance

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

(2) Where a regional authority determines that payment of financial assistance should not be made directly to an applicant, the assistance may be granted in the form of Alternative payment

- (a) an authorization for goods or services; or
- (b) payment to a third party.

(3) Where a regional authority 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. Vendor authorization

27. (1) Where an application has been accepted from an agent of an applicant, a regional authority shall enter into an agreement with the agent in a form approved by the Director. Agreement with 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 regional authority may require. Duties of 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. No fees, etc. to agent

(4) Notwithstanding subsection (1), where an application has been made by an agent for emergency assistance, the regional authority may grant the assistance in the form of goods or services without a written agreement. Exception

28. (1) A regional authority may at any time increase, reduce, suspend or cancel the payment of financial assistance to, or on behalf of, an applicant where its investigation reveals that the conditions under which assistance was granted have changed or the applicant's circumstances were misrepresented or not fully disclosed. Changes in amount of assistance

(2) A regional authority may suspend the payment of financial assistance to, or on behalf of, an applicant where Suspension of assistance

- (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.

(3) A regional authority may direct that financial assistance be paid for the month in which an applicant ceased to be eligible for assistance.

Payment for last month

(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 regional authority without requiring the completion of a new application form.

Reinstatement of payment

(5) A regional authority may, in addition to any other remedy available to it, 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 regional authority considers appropriate.

Recovery of payments

OBLIGATIONS OF APPLICANT

29. (1) An applicant receiving financial assistance under the Act or these regulations shall

Conditions of assistance

(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 regional authority 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 regional authority determines that compliance with this requirement would adversely affect the applicant or prove futile or unreasonable;

(d) immediately report to the regional authority 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.

(2) Where an applicant does not comply with subsection (1), the regional authority may reduce, suspend or cancel the financial assistance or pay it to an agent.

Failure to comply with conditions

OBLIGATIONS OF REGIONAL AUTHORITY

30. (1) Where a regional authority determines that there may be or has been a change in the circumstances of an applicant, the regional authority shall review the applicant's eligibility for financial assistance and may make the necessary changes to the assistance granted, as the regional authority determines is appropriate.

Change in circumstances

(2) A regional authority 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.

Long-term assistance

31. (1) A regional authority shall refer applicants to the appropriate program to pursue support orders or agreements.

Program referral

(2) A regional authority 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.

Enforcement proceedings by regional authority

(3) Where an applicant initiates proceedings under subsection 8(7), the regional authority shall review at regular intervals the progress being made in relation to the action and its enforcement.

Progress on action

PART II — FINANCIAL ASSISTANCE FOR CARE IN NURSING
HOMES

FINANCIAL RESOURCES

- 32.** (1) A regional authority Inquiry into
financial resources
- (a) shall inquire into the financial resources and other circumstances of an applicant and the applicant's spouse to determine an applicant's eligibility for financial assistance under this Part;
- (b) may investigate and verify the accuracy of information provided by or on behalf of an applicant; and
- (c) shall review the applicant's financial information at least once annually.
- (2) The Director shall Case audits
- (a) conduct case audits on a random or continuing basis and shall take such other action as may be necessary for the monitoring and evaluation of delivery of services; and
- (b) report regularly to the Minister on the conduct and results of such audits or other activity.
- (3) A regional authority shall provide access to its records and employees as the Director requires for case audits performed under clause (2)(a). Access to records,
employees
- 33.** (1) For the purposes of this Part, the test for determining whether an applicant is a person in need shall include the following calculations by a regional authority: Cost of care and
financial resources
- (a) calculation of the costs of care based on the established rates; and
- (b) calculation of the value of the financial resources of the applicant and the applicant's spouse in accordance with these regulations.
- (2) Subject to the Act and these regulations, where the calculations made under subsection (1) show that the cost of care of the applicant exceeds the applicant's financial resources, the applicant is a person in need and a regional authority may grant financial assistance to the applicant based on the established rates. Cost exceeds
resources
- 34.** (1) Notwithstanding clause 1(1)(d), for the purposes of this section, "applicant" includes the applicant's spouse. Applicant includes
spouse and
dependents
- (2) Subject to the exemptions set out in section 35, in determining the financial resources of an applicant, a regional authority shall include as financial resources Financial resources
- (a) the applicant's entire income, including income from
- (i) Old Age Security, the Guaranteed Income Supplement or other payments under the *Canada Pension Plan Act* (Canada),
- (ii) any war veteran's allowance, widower's or widow's benefits or pension under the *Veterans' Affairs Act* (Canada),
- (iii) a disability pension from any source,
- (iv) social security or other pensions payable by the government of another country,
- (v) Goods and Services Tax rebates under the *Income Tax Act* (Canada),
- (vi) a registered educational savings plan,
- (vii) a registered retirement savings plan,
- (viii) a registered retirement income fund,
- (ix) rental income,
- (x) interest income or dividend income, or income from investments, and
- (xi) any other pension or source of income due or payable to the applicant;
- (b) the liquid assets of the applicant, including
- (i) cash on hand,
- (ii) cash in a bank, trust company, credit union or cooperative or other similar financial institution,
- (iii) 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,

- (iv) retirement allowances, severance pay, bonuses, pensions and other similar payments, and
- (v) the cash surrender value of life insurance policies, savings receipts, liens, mortgages, bequests and settlements; and
- (c) any other assets of the applicant that can be sold or converted into cash.

- (3) An applicant who has other assets referred to in clause (2)(c) may
- (a) convert the assets into cash and have the money applied towards the cost of care; or
 - (b) enter into an agreement with the regional authority assigning the proceeds of the asset when converted to cash for the purpose of applying the proceeds to the cost of care paid by the regional authority as financial assistance.
- Proceeds of
converting assets to
cash

EXEMPTIONS FROM CALCULATION

- 35.** (1) A regional authority shall not include the following in the calculation of an applicant's financial resources:
- (a) real property used as the applicant's principal residence at the time of the application;
 - (b) the applicant's personal belongings as determined by the regional authority;
 - (c) the first \$1,500 of an applicant's liquid assets where the applicant is a single person;
 - (d) the first \$3,000 of an applicant's liquid assets where the applicant has a spouse residing with him or her.
- Not included in
financial resources
- (2) The financial resources of an applicant under this Part are deemed to be
- (a) one-half of the aggregate of the financial resources of the applicant and the applicant's spouse; or
 - (b) the prorated value of the financial resources of the applicant, or of the applicant and the applicant's spouse, where the applicant has dependents or a spouse and dependents,
- if the spouse or dependents are living with the applicant.
- Aggregate financial
resources
- (3) Notwithstanding subsection (2) and subject to subsection (6), a regional authority may vary the amount of financial assistance payable, if the regional authority is satisfied that the variation is necessary to enable the applicant's spouse or dependents to meet financial liabilities or to maintain a reasonable standard of living.
- Reduced aggregate
calculation
- (4) Where an applicant has purchased a prepaid funeral, the purchase price is exempt from the calculation of the applicant's financial resources.
- Prepaid funeral
- (5) A reasonable standard of living for the purposes of subsection (3) is based on the annual calculations for Old Age Security and Guaranteed Income Supplements calculated under the *Canada Pension Plan Act* (Canada) as indexed annually.
- Reasonable
standard of living
- (6) The financial liabilities referred to in subsection (3) are limited to the following items of expense at values not exceeding the values established under Part I:
- (a) food expenses;
 - (b) dental, drug and personal expenses;
 - (c) rent, mortgage or bank loan payments;
 - (d) fuel or heating expenses;
 - (e) utilities;
 - (f) taxes;
 - (g) insurance premiums;
 - (h) room and board expenses;
 - (i) transportation expenses;
 - (j) clothing expenses;
 - (k) special care expenses;
 - (l) other expenses considered appropriate by the regional authority.
- Exemption limits

GRANTING OF ASSISTANCE, REASSESSMENT

36. (1) A regional authority may grant financial assistance to an applicant at the established rates for care, and room and board in a nursing home, under this Part, and the financial assistance or any part of it granted shall constitute a debt owing by the applicant to the Minister within the meaning of section 6.1 of the Act.

Assistance for applicant in nursing home

(2) Where there is an improvement in the financial situation of
(a) an applicant residing in a nursing home; or
(b) the spouse of such applicant,

Improvement in financial situation

a regional authority shall reassess the eligibility of the applicant for financial assistance.

(3) If a regional authority determines after a reassessment under subsection (2) that the applicant

Powers after reassessment

(a) is no longer a person in need, the regional authority shall discontinue financial assistance and shall bill the applicant for the assistance previously granted to the applicant under this Part; or
(b) no longer requires the same level of financial assistance, the regional authority shall vary the financial assistance and shall vary the agreement with the applicant.

37. A regional authority may refuse to grant financial assistance to an applicant under this Part

Divestment of liquid assets

(a) if the applicant has made an assignment, sale or transfer of liquid assets or real property, including the principal residence, within two years preceding the date of application or at any time thereafter; and
(b) if the regional authority determines that the assignment or transfer was made for the purpose of qualifying the applicant for financial assistance.

38. (1) An applicant for financial assistance under this Part, or the agent of the applicant, shall, before assistance is granted, enter into an agreement with the nursing home, the regional authority and the Minister whereby the applicant agrees to comply with the repayment provisions and all other provisions of these regulations.

Agreement respecting assistance under this Part

(2) Applicants who are residents of a nursing home on the date this section comes into force and who have not entered into an agreement described by subsection (1) are deemed to have entered into such an agreement.

Deemed agreement

COMFORT ALLOWANCE

39. (1) For the purposes of this section “trust account” means a comfort allowance trust account established for residents by the administrator under subsection (4).

“trust account”, defined

(2) A regional authority may grant additional financial assistance to an applicant at the established rates in the form of a comfort allowance if the applicant is a person in need and resides in a nursing home.

Comfort allowance

(3) An applicant receiving a comfort allowance may request that the administrator of the nursing home receive and hold the comfort allowance in trust on behalf of the applicant.

Administrator may hold comfort allowance in trust

(4) Subject to subsections (5), (6) and (7), an administrator who holds comfort allowance money on behalf of an applicant shall deposit the money to the credit of the applicant in a comfort allowance trust account.

Trust account

(5) The administrator may use interest accrued on money held under subsection (4) for the purchase of items for recreation and comfort that will benefit residents at the nursing home.

Interest on trust accounts for comfort allowances

(6) Where the amount in an applicant’s trust account is equal to or greater than \$300, the regional authority shall credit further comfort allowance funds to the nursing home fees payable on behalf of the applicant until the balance in the applicant’s trust account falls below \$300.

Balance \$300 or more

(7) Where an applicant dies leaving a positive balance in a trust account, the administrator shall credit that balance toward the nursing home fees payable by the applicant.

Comfort allowance
balance after death
of applicant

(8) A regional authority may require the administrator to provide it with an accounting of a resident's trust account.

Accounting of
resident's trust
account

40. Nothing in these regulations shall be deemed to interfere with the right of an applicant who resides in a nursing home to open and maintain bank accounts in his or her own name, and the administrator may, at the request of an applicant, act as an agent for the applicant respecting the account under a power of attorney duly executed by the applicant.

Applicant's bank
accounts

RECOVERY OF DEBT

41. (1) Where an applicant who has received assistance under subsection 36(1)

Debt owing

- (a) no longer resides in a nursing home; or
- (b) has been determined by a regional authority under subsection 36(3)

- (i) to no longer be a person in need, or

- (ii) to no longer require the same level of financial assistance,

the regional authority shall determine the amount of debt owing by the applicant to the Minister under section 6.1 of the Act.

(2) When an applicant who resides in a nursing home dies, recovery of a debt owing to the Minister by the estate of a deceased applicant under section 6.1 of the Act is subject to the following exclusions from calculation of the debt owing by the applicant's estate:

Recovery from
estate

- (a) the first \$2,500 of the estate is exempt from a claim under section 6.1 of the Act;

- (b) where the deceased applicant leaves a surviving spouse or dependents, the Minister's claim shall not exceed 50% of the applicant's estate.

42. If

Satisfaction of
certificate

- (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, cancelled, discharged or written off under clause 6.1(4)(c) of the Act,

the Minister shall file a satisfaction of the certificate with the Registrar and serve it on the debtor.

PART III — APPEALS, MISCELLANEOUS

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

Quorum

(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.

Vice-chairperson
may act

(3) The Minister shall designate an employee of the Department to provide administrative support to the Board.

Administrative
support

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

Resignation 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:

Termination of
Board member

- (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.

- 45.** (1) Pursuant to subsection 5.1(1) of the Act, an applicant may appeal a decision of a regional authority respecting the provision of financial assistance under the Act or these regulations on the following grounds: Grounds of appeal
- (a) the regional authority 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.
- (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. Appeal
- (3) An appellant may be represented on the appeal by counsel or a third party. Right to be represented
- (4) On receipt of a notice of appeal, the Board shall notify the regional authority, which shall provide to the Board Board provides documentation
- (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 regional authority; and
 - (c) other documents and records pertaining to the matter under appeal.
- 46.** (1) The Board shall commence a hearing of the appeal within 15 clear days after receipt of the notice of appeal. Appeal hearing within 15 clear days
- (2) The chairperson of the Board shall give the appellant and the regional authority at least three clear days' notice of the date, time and place of the hearing. 3 clear days' notice of the hearing
- (3) Notice of the hearing shall be sent by registered mail to the appellant at the address shown in the notice of appeal. Service of notice
- (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. Re-scheduling the hearing of the appeal
- (5) An appellant may withdraw an appeal at any time before the hearing by notifying the Board. Withdrawal of appeal
- 47.** (1) Where an appeal is made against a decision to reduce, suspend or cancel financial assistance, Continued assistance pending appeal
- (a) for an appellant who was receiving assistance under Part I, the amount of financial assistance authorized by the regional authority as emergency assistance shall be paid to the appellant; and
 - (b) for an appellant who was receiving assistance under Part II, the amount of financial assistance previously granted shall continue to be paid,
- until the Board renders its decision.
- (2) Where an appeal is made against a refusal by a regional authority to grant assistance, no financial assistance shall be paid to the appellant unless the Board grants the appeal. No assistance where appeal against refusal
- 48.** (1) Four members of the Board, including the chairperson or vice-chairperson, shall hear the appeal. Quorum for appeal
- (2) The appellant may request that the hearing be held in private or open to the public. Open or closed hearing
- (3) Where the appellant or the person acting on behalf of the appellant does not attend the hearing, the Board shall dismiss the appeal. Failure of appellant to attend
- 49.** (1) The Board shall decide only the matters that fall within the Act and these regulations and that are raised as grounds of appeal. Board decides matters before it
- (2) At the conclusion at the hearing of the appeal, the Board shall Conclusion of hearing
- (a) dismiss the appeal; or

- (b) allow the appeal and vary the decision made by the regional authority.
- (3) The Board shall Written decision within 15 days
 (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.
- (4) Subject to subsection (5), the decision of the Board is final and binding on the parties. Decision final
- (5) Within 10 clear days of receipt of the written decision, the regional authority or the appellant may, on the basis of new evidence only, request that the Board review its decision on the appeal. Review of appeal on new evidence
- (6) The decision of the Board on a review under subsection (5) is final and binding on the parties. Decision final
- (7) The effective date of the decision of the Board under subsection (2) or subsection (6) shall be retroactive to the date of the regional authority's decision which was appealed. Effective date of decision
- 50.** (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. Costs
- (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. Overpayment
- 51.** The Board shall submit an annual report for the preceding calendar year to the Minister on or before March 31 in each year. Annual report
- 52.** The *Welfare Assistance Act* Regulations (EC746/84) are revoked. Revocation
- 53.** These regulations come into force on August 4, 2003. Commencement

EXPLANATORY NOTES

SECTION 1 is the definition section.

SECTION 2 deals with the Director's written policies.

SECTION 3 provides for annual reviews of established rates of financial assistance and exemptions from the calculations of financial resources.

SECTION 4 deals with the manner of applying for social assistance.

SECTION 5 deals with investigations into the applicant's resources and other circumstances to determine whether an applicant is a person in need.

SECTION 6 deals with the test for determining if an applicant is a person in need and sets out the rules respecting unemployment, strikes, poor budgeting, etc.

SECTION 7 deals with the granting of short-term and long-term assistance.

SECTION 8 deals with financial resources and conditions of eligibility.

SECTION 9 deals with an applicant who is a minor.

SECTION 10 allows for financial assistance to be granted to a transient person.

SECTION 11 allows for social assistance to be granted to a person who is likely to become a person in need.

SECTION 12 provides for repayment of financial assistance where the applicant had income for the period of financial assistance or if the financial assistance was paid as an advance or deposit.

SECTION 13 provides the details for the calculations of the financial resources of an applicant.

SECTION 14 deals with other adults who reside in the principal residence of an applicant.

SECTIONS 15 to 18 provide for the granting of financial assistance for items of basic need.

SECTION 19 provides for the granting of financial assistance for items of special need.

SECTIONS 20 and 21 provide for the granting of assistance as social services.

SECTIONS 22 to 28 determine the manner in which financial assistance is granted, and provide for changes in amounts or suspension of payments and recovery of assistance paid.

SECTION 29 deals with the obligations of an applicant.

SECTION 30 deals with the obligations of a regional authority.

SECTION 31 deals with support orders or agreements.

SECTIONS 32 to 38 provide for financial assistance to persons who reside in nursing homes.

SECTION 39 deals with comfort allowances to nursing home residents.

SECTION 40 ensures that these regulations don't interfere with a nursing home resident's rights respecting bank accounts.

SECTION 41 provides for the recovery of a debt owing by the estate of a deceased applicant who resided in a nursing home.

SECTION 42 allows the Minister to file a satisfaction of a certificate with the Prothonotary that an estate has satisfied the debt.

SECTIONS 43 to 50 provide for appeals to the Social Assistance Appeal Board.

SECTION 51 provides for an annual report to be submitted by the Board to the Minister.

SECTION 52 revokes the current regulations.

SECTION 53 provides for the commencement of these regulations.

EC2003-397

**ENVIRONMENTAL PROTECTION ACT
ISLAND WASTE MANAGEMENT CORPORATION ORDER
AMENDMENT**

Pursuant to section 18 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following order:

1. Section 7 of the *Environmental Protection Act* Island Waste Management Corporation Order (EC1999-262) is amended

(a) by the revocation of subsection (1) and the substitution of the following:

7. (1) The affairs of the Corporation shall be managed by a board of directors (“the board”) appointed by the Lieutenant Governor in Council consisting of seven persons, including

(a) the Deputy Minister of Transportation and Public Works, the Deputy Minister of Agriculture and Forestry, and the Deputy Provincial Treasurer; and

(b) four members of the public at large.

(b) by the revocation of subsection (4) and the substitution of the following:

(4) The directors referred to in clause 7(1)(a) shall serve at pleasure and the directors referred to in clause 7(1)(b) shall be appointed for terms not exceeding three years, such that the expiry of terms is staggered to facilitate continuity in the management of the Corporation.

2. These amendments come into force on August 2, 2003.

EXPLANATORY NOTE

This amendment adds two directors to the Corporation board, specifies the public sector members by title, and allows variable term lengths to prevent terms from expiring at the same time.

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

ELIZABETH THE SECOND, by the
Grace of God of the United Kingdom,
Canada and Her other Realms and
Territories, QUEEN, Head of the
Commonwealth, Defender of the Faith.

Administrator

TO ALL TO WHOM these presents shall come or whom the same may in any
wise concern:

GREETING

A PROCLAMATION

WHEREAS in and by section 17 of Chapter 19 of the Acts passed by the
Legislature of Prince Edward Island in the 3rd Session thereof held in the year
2001 and in the fiftieth year of Our Reign intituled "An Act to Amend the Welfare
Assistance Act" it is enacted as follows:

“This Act comes into force on such date as may be fixed by proclamation of
the Lieutenant Governor in Council.”,

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2001,
3rd Session, c. 19 should come into force on the 4th day of August, 2003,

NOW KNOW YE that We, by and with the advice and consent of our
Executive Council for Prince Edward Island, do by this Our Proclamation
ORDER AND DECLARE that the said Act being "An Act to Amend the Welfare
Assistance Act" passed in the fiftieth year of Our Reign shall come into force on
the fourth day of August, two thousand and three of which all persons concerned
are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made
Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable Gerard E. Mitchell, Administrator of the Province
of Prince Edward Island, at Charlottetown this twenty-second day of July in the
year of Our Lord two thousand and three and in the fifty-second year of Our
Reign.

By Command,

Clerk of the Executive Council