



## **PLEASE NOTE**

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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## CHAPTER H-11

### HOUSING CORPORATION ACT

#### EMERGENCY HOME REPAIR PROGRAM REGULATIONS

Pursuant to section 38 of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11, Council approved the following regulations made by the Prince Edward Island Housing Corporation:

**1. In these regulations**

Definitions

(a) “income” means the aggregate gross income in whatever form received by the applicant and his spouse, less

income

(i) living out or travelling allowance for the principal wage earner,

(ii) insurance settlements, inheritances, monies realized from the sale of personal effects or chattels and similar monies which in the opinion of the Corporation shall not be included as income,

(iii) family allowances,

(iv) the income of a dependent child;

(b) “aggregate gross income” means the aggregate sum of income in whatever form received by the family, and without restricting the generality of the foregoing, includes salaries, commissions, fees, capital gains, and pensions, but, in the case of self-employed persons, the establishment of such income shall be at the discretion of the Corporation;

aggregate gross  
income

(c) “applicant” means an owner of a dwelling unit who is making application for an improvement grant under these regulations and who is

applicant

(i) at least sixty years of age, or

(ii) a disabled person or a person who has a disabled person residing in his household, or

(iii) a recipient of welfare assistance for a period of at least twelve consecutive months or who, in the opinion of the Director of Welfare Assistance, is likely to be a recipient of welfare assistance for a period of twelve consecutive months;

(d) “approved applicant” means an applicant who has received approval for grant assistance under these regulations;

approved applicant

(e) revoked by EC639/93;

Board

certificate of approval	(f) “certificate of approval” means an approval form issued under these regulations by the Corporation to an approved applicant, indicating the approved emergency repair work and the approved grant assistance amount;
Corporation	(g) “Corporation” means the Prince Edward Island Housing Corporation;
dependent child	(h) “dependent child” means a person <ul style="list-style-type: none"> <li>(i) under the age of eighteen years,</li> <li>(ii) over eighteen years of age but under twenty-one years and attending a recognized educational institution on a full time basis,</li> <li>(iii) over eighteen years of age but wholly dependent upon the applicant and his spouse for his livelihood because of illness or disability;</li> </ul>
disabled person	(h.1) “disabled person” means a person who has a physical or mental impairment that impedes him in carrying out normal daily activities;
dwelling unit	(i) “dwelling unit” means housing accommodation in whatever form intended for year-round occupancy and providing therein living, sleeping, eating and food preparation facilities for a family;
fiscal year	(j) “fiscal year” means the Corporation’s budget period which runs from April 1 of one year to March 31 of the following year;
Guidelines	(k) “Guidelines for Permissible Emergency Home Repair Work” means the guidelines established by the Corporation against which the emergency nature of repair work, for which assistance is being sought, is judged;
household	(k.1) “household” means the people who normally reside in the dwelling unit including the applicant, the spouse of the applicant, a dependent child and any other person related by blood or marriage to the applicant or spouse;
owner	(l) “owner” means a person who by himself or with another or others, holds title to a dwelling unit and may include: <ul style="list-style-type: none"> <li>(i) the lawful representatives of the estate of such person,</li> <li>(ii) a lessee of a property under a lease expiring not less than three years from the date for which application for assistance is made by the lessee under these regulations,</li> <li>(iii) a tenant or occupant of five years or more if the actual owner of the dwelling unit has agreed to the emergency repair work,</li> <li>(iv) a lessee of land under a lease from the Crown or from any municipality or from any corporation when the lessee owns a home located thereon,</li> </ul>

(v) a veteran with whom the Director under the *Veterans' Land Act* (Canada) has a subsisting contract for the sale of land made pursuant to Part 1 of the *Veterans' Land Act* (Canada);

(m) "recreation home" means a building which is used principally for recreation or seasonal purposes and is occupied or intended for occupation on an intermittent basis. (EC169/85; 312/87; 95/90; 375/90; 639/93)

**2.** An applicant must submit a completed application to the Corporation in such form as prescribed by the Corporation. (EC169/85)

**3.** Only one applicant per dwelling may make application for grant assistance under these regulations for that dwelling unit. (EC169/85)

**4.** To be eligible to be considered for grant assistance, an applicant must be able to show to the satisfaction of the Corporation

(a) that he is owner of the dwelling unit on which emergency repair work is to be carried out;

(b) that the applicant is

(i) at least sixty years of age, or

(ii) a disabled person or a person who has a disabled person residing in his household, or

(iii) a recipient of welfare assistance for a period of at least twelve consecutive months or who, in the opinion of the Director of Welfare Assistance, is likely to be a recipient of welfare assistance for a period of twelve consecutive months;

(c) that the applicant in a one person household has an annual income which is equal to or less than \$13,500, or that the applicant and other people in a household of two or more people have a combined annual income which is equal to or less than \$17,500. (EC169/85; 312/87; 193/88; 95/90; 375/90)

**5.** The Corporation may deny any application made under these regulations when in the Corporation's opinion the applicant's assets are such that to grant the application would be contrary to the spirit or intent of these regulations. (EC169/85)

**6.** All applicants shall provide to the Corporation a copy of such income tax returns as are requested, together with any other evidence or proof of income that may be required by the Corporation, in such form as the Corporation prescribes. (EC169/85)

**7.** The dwelling unit for which assistance is sought must

(a) be in need of emergency repair work; and

(b) be owned and occupied by the applicant at the time of application. (EC169/85)

Recreation home Eligible repair work	<p><b>8.</b> A recreation home does not qualify for assistance. (EC169/85)</p> <p><b>9.</b> (1) Eligible emergency repair work is any work that, in the opinion of the Corporation, must be carried out immediately to ensure the physical safety and health of the applicant or to preserve the dwelling as a habitable unit.</p>
Guidelines	<p>(2) The emergency repair work referred to in subsection (1) must be work that is, in the opinion of the Corporation, compatible with the Guidelines for Permissible Emergency Home Repair Work.</p>
Excluded items	<p>(3) Eligible emergency repair work does not include</p> <ul style="list-style-type: none"> <li>(a) any work that, in the opinion of the Corporation, does not represent an emergency to the physical safety and health of the applicant or to the habitable condition of the dwelling;</li> <li>(b) any work that, in the opinion of the Corporation, is necessary to complete the construction of a dwelling unit;</li> <li>(c) any work involved in the preparation for or the transportation of a dwelling unit being relocated to a different site;</li> <li>(d) any work that, in the opinion of the Corporation, is purely cosmetic in nature;</li> <li>(e) any work that, in the opinion of the Corporation, is to repair damages where insurance adequately covers these costs;</li> <li>(f) any work that, in the opinion of the Corporation, has been commenced or completed prior to the issuance of a certificate of approval unless the applicant can demonstrate to the satisfaction of the Corporation that the immediate need for emergency repairs necessitated corrective action prior to approval. Work undertaken in this manner must be judged by the Corporation to have met eligibility requirements for a certificate of approval to be issued. (EC169/85)</li> </ul>
Maximum grant assistance	<p><b>10.</b> (1) The maximum grant assistance available under these regulations is \$1,000.</p>
<i>Idem</i>	<p>(2) The maximum grant assistance available to an applicant shall depend on the applicant's income, and</p> <ul style="list-style-type: none"> <li>(a) in the case of an applicant in a one person household shall be \$1,000 at an annual income of \$12,500 or less and shall reduce by \$1.00 for each \$3.00 increase in income until a minimum assistance level of \$200 is reached, which continues to an income of \$15,500, after which point no assistance will be available;</li> <li>(b) in the case of an applicant in a household of two or more people, shall be \$1,000 at an annual income of \$16,500 or less and shall reduce by \$1.00 for each \$3.00 increase in income until a minimum assistance level of \$200 is reached, which continues to an income of</li> </ul>

\$19,500, after which point no assistance will be available.  
(EC312/87; 193/88; 375/90)

**11.** The actual amount of grant assistance provided to an approved applicant for any dwelling unit under these regulations shall be determined by the Corporation and shall be fifty per cent of the cost of approved emergency repair work up to the maximum level of grant assistance provided for in subsection 10(2). (EC312/87) Grant determination

**12.** (1) Labour performed or to be performed by the applicant with respect to work referred to in subsection 9(1) may be deemed to constitute eligible input toward the remaining fifty percent of the cost of approved emergency repair work, to such extent as may be approved by the Corporation. Labour

(2) Materials provided by the applicant and approved by the Corporation may be deemed to constitute eligible input toward the remaining fifty percent of the cost of approved emergency repair work. (EC169/85) Materials

**13.** (1) If in the opinion of the Corporation, the applicant and the indicated emergency repair work meet the requirements of these regulations, the Corporation will issue the applicant a certificate of approval. Certificate of approval

(2) To ascertain if the requested repair work meets the requirements of these regulations, the Corporation may carry out an on-site inspection of the applicant's dwelling unit. Inspection

(3) The approved grant amount contained within the certificate of approval shall be based on the Corporation's estimate of the cost of the approved emergency repair work. Estimate of cost

(4) The Corporation, within the limitations of section 11, may increase or decrease the initially approved grant amount on the basis of the actual cost of the completed emergency repair work, as substantiated to the satisfaction of the Corporation by the approved applicant. (EC169/85) Variation

**14.** (1) An approved applicant shall have thirty days from the date of the issuance of the certificate of approval within which to have the approved emergency repair work completed. Time limitation

(2) Where the approved emergency repair work is underway but not completed within the thirty day time limit established in subsection (1), and where the Corporation is satisfied that the approved applicant has taken all reasonable action to have the work completed within that time Extension of time

limit, the Corporation may provide a thirty day extension, within which the approved emergency repair work can be completed.

Cancellation (3) Where the approved emergency repair work has not been commenced within thirty days following the date of issuance of the certificate of approval, the Corporation shall cancel the applicant's certificate of approval.

*Idem* (4) The cancellation under subsection (3) of the applicant's certificate of approval shall not exclude the applicant from making new application for assistance under these regulations.

Reduction of grant (5) Where the approved emergency repair work is not completed within the thirty day time limit established under subsection (1), or the thirty plus thirty day time period as approved by the Corporation under subsection (2), the Corporation shall limit the grant assistance to the approved applicant to fifty percent of the cost of the approved emergency repair work that has been completed within the pertinent time period.

Authority of Corporation (6) The Corporation shall be the sole authority for the purpose of establishing the cost of and the amount of completed emergency repair work under subsection (5), and, for the purpose of establishing the cost of and the amount of completed emergency repair work, the approved applicant shall provide the Corporation with whatever information the Corporation indicates it needs for this purpose.

Information (7) If under subsection (6), an approved applicant does not provide the Corporation with information, which, in the opinion of the Corporation, is satisfactory for its needs, the Corporation shall not provide any additional grant assistance to the approved applicant beyond that which may already have been advanced under section 16.

Termination of assistance (8) The Corporation shall not provide any grant assistance on approved emergency repair work carried out after the time limit established under subsection (1) has passed, or, where applicable, the extended time period approved under subsection (2) has passed. (EC169/85)

Inspection **15.** (1) The Corporation may carry out whatever inspection efforts it considers appropriate and necessary on the applicant's dwelling unit to ensure that the intent and provisions of these regulations are met.

Refusal (2) Where for any reason or reasons an applicant refuses the Corporation permission to carry out the inspection or inspections of the dwelling unit, as provided for under subsection (1), the Corporation may cancel the applicant's application or, where applicable, the applicant's certificate of approval. (EC169/85)

**16.** (1) During the period in which the approved emergency repair work is being carried out, the Corporation may make progress advances of up to fifty percent of the value of the completed work, based on satisfactory substantiation by the approved applicant that the work has been completed, but in no instance shall the progress advances exceed fifty percent of the approved grant amount established under subsection 13(3). Progress advances

(2) The remaining grant assistance not provided under subsection (1) shall be provided to the applicant at such time as the Corporation is satisfied that the approved emergency repair work has been completed, but, in no instance shall the total grant assistance exceed the limits established in section 11. (EC169/85) Final payment

**17.** Notwithstanding the issuance of certificates of approval or the provisions of section 14, the ultimate provision of grant assistance under these regulations may be limited by the available budget for the Emergency Home Repair Program or the end of the Corporations's fiscal year. (EC169/85; 95/90) Budget constraints

**18.** An applicant shall be eligible to receive grant assistance more than once under the regulations but the total accumulated assistance received on any dwelling unit shall not exceed the maximum assistance available to the applicant as established under the provisions of subsection 10(2). (EC312/87) Eligibility

**19.** All emergency repair work must be carried out in conformity with the relevant Provincial Codes. (EC169/85) Application of Codes

**20.** (1) The making of a statement in the application for grant assistance that is false in any material respect, shall entitle the Corporation to immediate repayment by the applicant of any grant assistance funds provided to the applicant, and to take any action to secure repayment that the Corporation considers proper in the circumstances. False statement

(2) The use of proceeds of the grant assistance otherwise than for approved emergency repair work shall entitle the Corporation to immediate repayment by the applicant and to take any action to secure repayment that the Corporation considers proper in the circumstances. (EC169/85) Misuse of funds

**21.** The Corporation may reject any application made under these regulations that, in the opinion of the Board, fails to comply with the intent or the objectives of the Emergency Home Repair Program. (EC169/85; 95/90; 639/93) Rejection of application