

STUDENT FINANCIAL ASSISTANCE ACT

CONSOLIDATION OF STUDENT FINANCIAL ASSISTANCE REGULATIONS

R.R.N.W.T. 1990,c.S-20

(Current to: October 10, 2014)

**AS AMENDED BY NORTHWEST TERRITORIES REGULATIONS:**

R-121-92

R-018-93

R-087-95

R-061-96

**AS AMENDED BY NUNAVUT STATUTES AND REGULATIONS:**

R-006-2002 (as amended by R-001-2007,s.3 [in force January 29, 2007])

In force June 26, 2002

R-001-2007

In force January 29, 2007

R-018-2008

In force July 1, 2008

S.Nu. 2011,c.6,s.34

s.34 in force February 25, 2011

R-009-2013

In force March 26, 2013

**Note: see s.21 and 22 of R-009-2013 for transitional provisions.**

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette* (for regulations made before April 1, 1999) and Part II of the *Nunavut Gazette* (for regulations made on or after April 1, 1999).

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

c.	means "chapter".
CIF	means "comes into force".
NIF	means "not in force".
s.	means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
Sch.	means "schedule".

### *Citation of Acts*

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (Note: The Supplement is in three volumes.)
S.N.W.T. 1996,c.26	means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
S.Nu. 2002,c.14	means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

### *Citation of Regulations and other Statutory Instruments*

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (Note: This is a Nunavut regulation made on or after January 1, 2000.)
SI-005-98	means the instrument registered as SI-005-98 in 1998. (Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.)
SI-012-2003	means the instrument registered as SI-012-2003 in 2003. (Note: This is a Nunavut statutory instrument made on or after January 1, 2000.)

**STUDENT FINANCIAL ASSISTANCE REGULATIONS****INTERPRETATION**

1. (1) In these regulations,

"academic year" means a period of 12 months beginning on the first day of a program of studies of a student; (*année scolaire*)

"Act" means the *Student Financial Assistance Act*; (*Loi*)

"approved institution" means an institution, whether or not in Canada, approved by the Deputy Minister for the purposes of these regulations that is

- (a) a university or college,
- (b) a school of nursing,
- (c) a teachers' training college, or
- (d) a technical, occupational, trade or vocational school or college; (*établissement agréé*)

"dependant" means

- (a) a person to whom a student is married,
- (b) a person with whom a student has lived in a conjugal relationship continuously for a period of not less than one year and has so cohabited within the year immediately preceding the date of registration for the semester or semesters to which his or her student financial assistance relates, or
- (c) the child, stepchild or adopted child of the student or the person to whom the student is married or with whom the student cohabits under paragraph (b), or of both of them, where the child is financially dependent on the student; (*personne à charge*)

"full-time student" means a person who is enrolled as a student in a program of studies at an approved institution for at least 12 weeks during which he or she will be taking at least

- (a) 40% of a full course load of studies, if the student has a permanent disability, or
- (b) 60% of a full course load of studies, if the student does not have a permanent disability; (*étudiant à temps complet*)

"loan" means a primary loan referred to in section 15, a secondary loan referred to in section 16 or a needs assessed loan referred to in section 17; (*prêt*)

"permanent disability" means a functional limitation caused by a physical or mental impairment that restricts the ability of a person to perform the daily activities necessary to participate in studies at the post-secondary level and that is expected to remain with the person for the person's life; (*incapacité permanente*)

"permanent resident" means a permanent resident as defined in the *Immigration and Refugee Protection Act* (Canada); (*résident permanent*)

"program of studies" means a course or program that

- (a) leads to a certificate, diploma or degree,
- (b) is intended for learners beyond secondary school,
- (c) includes at least 60% of the program content at the post-secondary level,
- (d) is approved by the Deputy Minister for the purposes of these regulations, and
- (e) is at least 12 weeks in duration; (*programme d'études*)

"schooling" means

- (a) enrolment in a program of correspondence courses approved by the Deputy Minister, or
- (b) attendance at a school

for grade levels one to 12; (*scolarité*)

"Secretary" means the Secretary appointed under section 5.1 of the Act; (*secrétaire*)

"semester" means a period of studies identified by an educational institution of not more than 26 weeks; (*session ou semestre*)

"serving reservist" means a person who ceases to be a full-time student or upgrading student in order to enter into service in a designated operation in accordance with section 31.1; (*réserviste en service*)

"upgrading student" means a person who ceases to be a full-time student and enrolls in an academic upgrading program approved by the Deputy Minister before the last day of the sixth month after the month in which he or she ceases to be a full-time student; (*étudiant inscrit dans un programme de promotion sociale*)

"week" means a period of seven days beginning on Sunday and ending on Saturday. (*semaine*)

(2) In these regulations, a person is deemed to be ordinarily resident in Nunavut for each of the following periods:

- (a) for the period he or she is temporarily posted in a place of employment outside Nunavut, if the person
  - (i) was, for at least two years before the posting, actually resident in Nunavut,
  - (ii) is and remains employed by an employer with a place of business in Nunavut, and
  - (iii) intends to return to Nunavut following the temporary posting;

- (b) for the period he or she attends an elementary or secondary school outside Nunavut, where a parent who has the care and control of the person is
  - (i) actually resident in Nunavut, or
  - (ii) ordinarily resident in Nunavut and attends an approved institution outside Nunavut; and
- (c) for the period he or she attends a post-secondary institution outside Nunavut, if the person was eligible for student financial assistance immediately before attending that institution.  
R-018-93,s.2; R-018-2008,s.4(1)(a),(2)(a); S.Nu. 2011,c.6,s.34(2); R-009-2013,s.2.

- 2. **Repealed, R-018-93,s.3.**
- 3. **Repealed, R-018-93,s.3.**
- 4. **Repealed, R-018-93,s.3.**
- 5. **Repealed, R-018-93,s.3.**

## STUDENT FINANCIAL ASSISTANCE

### Basic Grant and Eligibility

- 6. (1) Subject to these regulations, a person is eligible for a basic grant if he or she
  - (a) is a Canadian citizen or permanent resident;
  - (b) is accepted for registration in a program of studies at an approved institution as a full-time student; and
  - (c) has been ordinarily resident in Nunavut for a continuous period of one year immediately before the date of acceptance for registration.

(2) In subsections (3) and (4), "year of schooling" means a year of school in relation to which a person

- (a) attends not less than 133 school days or is enrolled in a program of correspondence courses approved by the Deputy Minister, and
- (b) passes from a grade to a higher grade,

and where the person passes from more than one grade in a year and meets the requirements of paragraph (a), each grade passed is a year of schooling.

(3) A person, other than a person eligible for a supplementary grant, is eligible for a basic grant to cover one academic year for every three years of schooling completed in accordance with subsection (4).

- (4) A year of schooling may be
- (a) with respect to a person who attends school, a year of schooling in Nunavut;
  - (b) with respect to a person who attends school, a year of schooling outside Nunavut where a parent who has the care and control of the person is
    - (i) actually resident in Nunavut, or
    - (ii) ordinarily resident in Nunavut and attends an approved institution outside Nunavut; or
  - (c) with respect to a person who is enrolled in a program of correspondence courses approved by the Deputy Minister, a year of schooling while being actually resident in Nunavut.

(5) Despite anything in this section, where a person is eligible for a supplementary grant, he or she is eligible for a basic grant for the period covered by the supplementary grant.

- (6) Despite anything in this section, where a person is on education leave from his or her employment and has received or will receive funding from his or her employer for
- (a) tuition and fees, that person is not eligible for that portion of the basic grant awarded for tuition and fees under paragraph 7(1)(a); or
  - (b) travel, that person is not eligible for that portion of the basic grant awarded for travel under paragraph 7(1)(c).
- R-087-95,s.2; R-018-2008,s.4(1)(b),(c); R-009-2013,s.3.

7. (1) The amount of a basic grant shall not exceed the total of the following amounts for each semester for which the grant is awarded:
- (a) those amounts approved by the Deputy Minister in respect of the tuition and fees set by an approved institution;
  - (b) **repealed, R-121-92,s.2.**
  - (c) those amounts approved by the Deputy Minister for travel of the student to and from his place of residence to either
    - (i) an approved institution in Nunavut that offers the program of study to which the grant relates, or
    - (ii) whichever of the cities of Ottawa, Montreal, Winnipeg or Edmonton that is closest to the approved institution outside Nunavut that offers the program of study to which the grant relates.

(2) **Repealed, R-087-95,s.3.** R-121-92,s.2; R-087-95,s.3; R-018-2008,s.4(1)(d); R-009-2013,s.4.

8. **Repealed, R-009-2013,s.5.**

### Supplementary Grant and Eligibility

**9.** (1) The provision of supplementary grants, and the basic grants under subsection 6(5), to persons described in subsection (2) is an affirmative action program for the amelioration of the conditions of those persons through post-secondary school education.

(2) Subject to these regulations, a person is eligible for a supplementary grant if he or she

- (a) is a Canadian citizen;
- (b) is accepted for registration at an approved institution as a full-time student;
- (c) was, subject to subsection (3), born in Nunavut;
- (d) is or has been ordinarily resident in Nunavut
  - (i) during his or her lifetime, or
  - (ii) for a portion of his or her lifetime and, in the opinion of the Deputy Minister, has a significant connection with Nunavut; and
- (e) is an Inuk as defined in Article 35 of the Nunavut Land Claims Agreement, the child of an Inuk or the adopted child of an Inuk under the laws relating to adoption in any jurisdiction or under Inuit customs and usages.

(2.1) A supplementary grant shall not be awarded to the spouse of a person described in subsection (2) unless the spouse meets the description in paragraph (e).

(3) Where a person was not born in Nunavut because he or she or his or her mother required medical care at or around the time of his or her birth, or for such other reason that, in the opinion of the Deputy Minister, necessitated his or her birth outside of Nunavut, the Deputy Minister may waive the eligibility requirement under paragraph (2)(c) with respect to that person.

(3.1) Despite subsection (2), a person is not eligible for a supplementary grant if he or she

- (a) receives, during the period he or she attends an approved institution, remuneration for past or present employment in an amount exceeding the maximum approved by the Minister; or
- (b) is on education leave from his or her employment and receives an allowance or other financial assistance from his or her employer during the period he or she attends an approved institution.

(4) The amount of a supplementary grant shall not exceed the total of the following amounts for each semester for which the supplementary grant is awarded:

- (a) a living allowance in the applicable amount set out in Schedule B;

- (b) a special high rental cost allowance, in an amount the Minister considers appropriate to defray accommodation expenses in areas the Minister considers to be high rental cost areas;
- (c) a book allowance, in an amount the Minister considers appropriate; and
- (d) the cost of travel for the dependants of the student from the same place of departure to the same destination for which the student receives transportation expenses under section 7.  
R-121-92,s.3; R-087-95,s.4; R-018-2008,s.2,4(1)(e);  
R-009-2013,s.6.

### Scholarships

**10.** (1) In addition to the eligibility requirements listed in section 11, and subject of these regulations, a person is eligible for a scholarship if he or she

- (a) is a Canadian citizen or permanent resident;
- (b) is accepted for registration at an approved institution as a full-time student;
- (c) has been ordinarily resident in Nunavut for a continuous period of one year immediately before the date of acceptance for registration; and
- (d) was ordinarily resident in Nunavut when he or she earned the qualifying average for which the scholarship is awarded.

(2) A person who is awarded a scholarship may be awarded any other form of student financial assistance during the period to which the scholarship relates.

R-018-2008,s.4(1)(f).

**11.** (1) For the purposes of this section

- (a) "doctoral degree program" means a program from which a successful candidate will receive a doctoral degree or a second degree from a professional school, including, but not limited to, law, medicine and dentistry; (*programme de doctorat*) and
- (b) "master's degree program" means a program from which a successful candidate will receive a master's degree or a first degree from a professional school, including, but not limited to, law, medicine and dentistry. (*programme de maîtrise*)

(2) Subject to these regulations,

- (a) a person who obtains 80% or more in grade 12 at a school in Nunavut is eligible for a scholarship in the amount of \$500;
- (b) a person who obtains an A average in the first, second or third years of his or her post-secondary studies is eligible for a scholarship in the amount of \$750;



- (c) a person who obtains an A average in the fourth year of his or her post-secondary studies is eligible for a scholarship in the amount of \$1,000 for the fifth year of his or her post-secondary studies where the fifth year is in a master's degree program and, for the following year of the master's degree program, a person is eligible for an additional \$1,000 where he or she has obtained an A average in the fifth year of his or her post-secondary studies; and
- (d) a person who obtains an A average in the last year of a master's degree program is eligible for a scholarship in the amount of \$1,500 for the first year of a doctoral degree program and, for the following year of the program, a person is eligible for an additional \$1,500 where he or she has obtained an A average in the first year of the program.

(3) Subject to these regulations, a person who is eligible for a supplementary grant is eligible for a scholarship in the amount of \$1,500 for any year of a master's degree program or a doctoral degree program in which the person obtains a B average.

(4) A person who is eligible for a scholarship under subsection (3) is not eligible for a scholarship under subsection (2). R-018-2008,s.4(1)(g).

#### Students with Permanent Disabilities

**11.1.** (1) The provision of study grants under this section to persons described in subsection (2) is an affirmative action program for the amelioration of the conditions of those persons through post-secondary school education.

(2) Subject to these regulations, a person who has a permanent disability is eligible for a study grant to cover approved extraordinary expenses to participate in post-secondary school education if he or she fulfils the eligibility criteria for a basic grant to the extent provided for in subsection 6(1) and provides to the Deputy Minister a medical or learning ability assessment, from a qualified professional acceptable to the Deputy Minister, of the person's permanent disability and the manner in which it restricts the person's ability to participate fully in post-secondary education.

(3) The Deputy Minister may, in determining whether to award a study grant and the amount of the study grant to be awarded,

- (a) take into consideration the necessity for the extraordinary expense; and
- (b) limit the amount of the study grant to the amount normally charged for the item or service to which the extraordinary expense relates.

(4) The maximum amount of a study grant that a person may receive under subsection (2) is

- (a) \$8,000 per academic year if he or she is a full-time student; or
- (b) \$1,000 per academic year if he or she is eligible to receive a reimbursement in accordance with sections 32 and 33 and does not receive any other study grant under this section.  
R-009-2013,s.7.

**12. Repealed, R-009-2013,s.8.**

Loans and Eligibility

**13.** For the purposes of section 14 and in addition to the periods for which a person is deemed to be ordinarily resident by subsection 1(2), a person is deemed to be ordinarily resident in Nunavut for each of the following periods:

- (a) for the period he or she attends school outside Nunavut where a parent who has the care and control of the person is
  - (i) actually resident in Nunavut, or
  - (ii) ordinarily resident in Nunavut and is attending an approved institution outside Nunavut;
- (b) for the period he or she attends an approved institution in Nunavut.  
R-018-2008,s.4(1)(j).

**14.** (1) Subject to these regulations, a person is eligible for a loan if he or she

- (a) is a Canadian citizen or permanent resident;
- (b) is accepted for registration at an approved institution as a full-time student; and
- (c) has been ordinarily resident in Nunavut for a continuous period of one year immediately before the date of acceptance for registration.

(1.1) A person is not eligible for a primary loan or a secondary loan if he or she

- (a) receives, during the period he or she attends an approved institution, remuneration for past or present employment in an amount exceeding the maximum approved by the Minister; or
- (b) is on education leave from his or her employment and is remunerated by his or her employer during the period he or she attends an approved institution.

(2) Where a person who receives a guaranteed student loan under the *Canada Student Loans Act* defaults in repaying the loan, other than for the reason that the person is permanently disabled, and the Secretary of State for Canada makes a payment to a bank in respect of that default, that person is not eligible for a loan under the *Student Financial Assistance Act* until the person re-establishes his or her eligibility for a guaranteed student loan under the *Canada Student Loans Act*. R-087-95,s.5; R-018-2008,s.4(1)(k).

**15.** (1) Subject to these regulations, a person is eligible for a primary loan to cover one academic year for every three years that the person is ordinarily resident in Nunavut.

(2) In subsection (1), an academic year for which a person has received student financial assistance to attend an approved institution outside Nunavut is not a period of ordinary residence in Nunavut.

(3) A person who receives a supplementary grant for a particular period is not eligible for a primary loan for that period.

(4) Where a person is eligible to receive a basic grant, the maximum amount that he or she is entitled to receive as a primary loan in any one academic year is

- (a) \$3,200 if the person is single; or
- (b) \$4,000 if the person has one dependant, plus \$500 for each additional dependant.

(5) Where a person is not eligible to receive a basic grant, the maximum amount that he or she is entitled to receive as a primary loan in one academic year is

- (a) \$4,400 if the person is single; or
- (b) \$5,200 if the person has one dependant, plus \$500 for each additional dependant.

R-018-2008,s.4(1)(l).

**16.** (1) Subject to these regulations, a person is eligible for a secondary loan if the person meets the eligibility requirements of section 14, but is not eligible for a primary loan.

(2) A person who receives a supplementary grant for a particular period is not eligible for a secondary loan for that period.

(3) Where a person is eligible to receive a basic grant, the maximum amount that he or she is entitled to receive as a secondary loan in one academic year is

- (a) \$3,200 if the person is single; or
- (b) \$4,000 if the person has one dependant, plus \$500 for each additional dependant.

(4) Where a person is not eligible to receive a basic grant, the maximum amount that he or she is entitled to receive as a secondary loan in one academic year is

- (a) \$4,400 if the person is single; or
- (b) \$5,200 if the person has one dependant, plus \$500 for each additional dependant.

R-018-2008,s.3.

**17.** Subject to these regulations, a person is eligible for a needs assessed loan in an amount not exceeding the maximum approved by the Deputy Minister if he or she is of the opinion that the person needs additional financial assistance to attend the approved institution, after taking into account:

- (a) the financial position of the person and his or her dependants; and
- (b) the financial assistance the person will receive to attend the approved institution for which he or she is accepted for registration.

R-009-2013,s.9.

#### Loan Agreement

**18.** (1) A student who is awarded a loan shall enter into a loan agreement with the Commissioner.

(2) The loan agreement may be in a form approved by the Deputy Minister and must include the terms and conditions of the loan subject to the Act and these regulations.

#### Repayment of Loan

**19.** For the purpose of sections 20 to 31, "borrower" means a person to whom a loan is made.

**20.** The principal amount of the loan and interest on the loan shall commence to be payable by the borrower no later than the year in which the borrower has completed his or her twelfth calendar year of study since the commencement of the semester in which he or she obtained his or her first loan under the Act.

**21.** (1) Subject to these regulations, where a borrower ceases to be a full-time student and does not become an upgrading student, no amount on account of principal or interest on a loan is required to be paid by the borrower until the last day of the seventh month after the month in which he or she ceases to be a full-time student.

(2) Subject to these regulations, where a borrower ceases to be a full-time student and becomes an upgrading student, no amount on account of principal or interest on a loan is required to be paid by the borrower until the last day of the seventh month after the month in which he or she ceases to be an upgrading student.

**22.** (1) A loan is repayable in instalments that

- (a) repay the principal with interest at the rate referred to in subsection 29(2) within the time period determined under section 24;
- (b) are payable not less frequently than every three months; and
- (c) are in the amounts agreed on by the borrower and the Secretary.

(2) Each instalment referred to in subsection (1) shall be applied first against the interest accrued to the date of payment and then to the balance of the principal outstanding.

**23.** (1) A borrower who ceases to be a full-time student and does not become an upgrading student or a serving reservist shall enter into a consolidated loan agreement with the Commissioner before the last day of the sixth month after the month in which he or she ceases to be a full-time student.

(2) A borrower who ceases to be a full-time student, becomes an upgrading student or a serving reservist and, after ceasing to be an upgrading student or a serving reservist, does not become a full-time student before the last day of the sixth month after the month in which he or she ceases to be an upgrading student or a serving reservist, shall enter into a consolidated loan agreement with the Commissioner before that last day.

(3) A consolidated loan agreement may be in a form approved by the Deputy Minister and shall include terms, subject to section 22, that will determine the amount and duration of the payments to be made to discharge the principal amount of the loan and interest on the loan.

(4) Where a borrower fails to enter into a consolidated loan agreement as required by subsection (1) or (2), the balance of the principal amount of the loan outstanding and the interest accrued on the loan shall become due and payable on the first day of the seventh month after the month in which he or she ceases to be

- (a) a full-time student, in respect of a borrower referred to in subsection (1); and
- (b) an upgrading student, in respect of a borrower referred to in subsection (2).

R-009-2013,s.10.

**24.** (1) The repayment of a loan shall commence on the last day of the seventh month after the month in which the borrower ceases to be

- (a) a full-time student, in respect of a borrower referred to in subsection 23(1); and
- (b) an upgrading student or a serving reservist, in respect of a borrower referred to in subsection 23(2).

(2) Subject to subsection (3), the period of repayment of a loan shall not exceed

- (a) 36 months, where the consolidated loan does not exceed \$5,200;
- (b) 60 months, where the consolidated loan exceeds \$5,200 but does not exceed \$10,400;
- (c) 84 months, where the consolidated loan exceeds \$10,400 but does not exceed \$15,600;
- (d) 96 months, where the consolidated loan exceeds \$15,600 but does not exceed \$20,800;

- (e) 114 months, where the consolidated loan exceeds \$20,800 but does not exceed \$26,000;
- (f) 128 months, where the consolidated loan exceeds \$26,000 but does not exceed \$31,200; and
- (g) 138 months, where the consolidated loan exceeds \$31,200 but does not exceed \$36,000.

(3) The Commissioner may, on the application of the Secretary, extend the period of repayment of a loan for a period which shall not cause the extended period of repayment to exceed a period terminating 12 years after the borrower ceased to be

- (a) a full-time student, in respect of a borrower referred to in subsection 23(1); and
- (b) an upgrading student or a serving reservist, in respect of a borrower referred to in subsection 23(2).

(4) The Secretary may, with the consent of the borrower, determine a period of repayment of a loan that is shorter than the applicable period of repayment established in subsection (2).

(5) Where the borrower wishes to repay the whole or a part of the consolidated loan at a time before the expiration of the period of repayment specified in the consolidation loan agreement, the borrower may do so without penalty. R-009-2013,s.11.

**25.** (1) Subject to subsection (1.1), where a borrower enters into a consolidated loan agreement and again becomes a full-time student, his or her obligations under the consolidated loan agreement to pay instalments of principal and interest on the loan are suspended and the borrower shall, whether or not an additional loan is made to him or her, when he or she again ceases to be a full-time student and before the last day of the sixth month after he or she ceases to be a full-time student, enter into a consolidated loan agreement that may be in a form approved by the Deputy Minister in place of the former consolidated loan agreement.

(1.1) Where a borrower to whom subsection (1) applies becomes a serving reservist, the time for entering into consolidated agreement under that subsection shall be calculated in accordance with subsection 23(2).

(2) The terms of a new consolidated loan agreement referred to in subsection (1) shall, subject to section 22, determine the amount and duration of the payments to be made to discharge the outstanding principal amount of the loan and interest on the loan at a rate that is

- (a) where an additional loan has not been made to the borrower since the date of the former consolidated loan agreement, the rate set out in the former consolidated loan agreement; or

- (b) where an additional loan has been made to the borrower since the date of the former consolidated loan agreement, the weighted average of the rate, determined in accordance with subsection 29(2), in respect of the additional loans that have not previously been consolidated, and the rate set out in the former consolidated loan agreement.  
R-009-2013,s.12

**26.** Where a borrower informs the Secretary that he or she will be unable to comply with the provisions of a consolidated loan agreement, the Secretary may, subject to these regulations, alter or revise the terms of that agreement but where the alteration or revision would cause the period within which the loan is to be repaid to exceed the applicable period under section 24, the agreement is not effective until the extended repayment period is approved by the Commissioner.

**27.** (1) A borrower who

- (a) has been awarded a primary loan, and
- (b) is required to enter into a consolidated loan agreement,

may apply, after the last day for entering into the agreement, on a form approved by the Deputy Minister, to have the loan that is outstanding written off in accordance with subsection (2).

(2) A primary loan may be written off in the amount of \$750 for the first three months and for a portion of every subsequent three months that the borrower is actually resident in Nunavut after ceasing to be

- (a) a full-time student, in respect of a borrower referred to in subsection 23(1), and
- (b) an upgrading student, in respect of a borrower referred to in subsection 23(2),

if the borrower has successfully completed 60% of his or her program of studies during the period to which the loan applies. R-018-2008,s.4(1)(m).

#### Default on Loan

**28.** (1) Where the borrower defaults in the payment of an instalment under a consolidated loan agreement and the default continues for 30 days, the balance of the principal amount of the loan outstanding and the interest accrued on the loan shall become due and payable.

(2) Where a borrower has been in default in respect of a loan for a period in excess of three months, the Secretary may take security for the repayment of the loan as a condition of an alteration of the terms for repayment of the loan.

(3) Where the balance of the principal amount of a loan outstanding and the interest accrued on the loan becomes due and payable as provided by subsection (1), the Secretary may

- (a) with the consent of the borrower, alter or revise the terms of the consolidated loan agreement in accordance with section 22;
- (b) dispose of or realize a security taken under subsection (2);
- (c) effect collection of the amount of unpaid principal and interest; or
- (d) with the prior approval of the Commissioner, commence legal proceedings against the borrower or effect a settlement with or grant a concession to a person other than the borrower.

(4) Where a borrower has defaulted in respect of the repayment of a loan, the right of the borrower to an interest-free period under subsection 29(1) may be revoked by the Commissioner and a new loan may be denied to the borrower unless he or she shows, to the satisfaction of the Commissioner,

- (a) that, during the 12 months preceding the application for a new loan, he or she made every effort towards discharging his or her obligations under the consolidated loan agreement;
- (b) that he or she has made full restitution of the principal amount of the loan and the interest accrued on the loan, or a settlement has been paid on behalf of the borrower or a concession granted under paragraph (3)(d), and 12 months have elapsed since the payment of the loan and interest accrued on the loan or a settlement or a concession; or
- (c) that the default was occasioned by reasons beyond his or her control.

#### Interest

**29.** (1) Subject to these regulations, no interest is payable by a borrower on a loan in respect of:

- (a) a period during which he or she is a full-time student, a serving reservist or an upgrading student;
- (b) the period beginning on the day on which he or she ceases to be a full-time student or an upgrading student and ending on the last day of the sixth month after the month in which that day occurred; and
- (c) a period beginning on the day on which he or she ceases to be a serving reservist and ending on the day on which he or she becomes a full-time student or upgrading student, but only if the period is less than six months.

(2) The rate of interest payable by a borrower on a loan shall be a rate that is 1% less than the prime rate, as determined and published by the Bank of Canada, in effect on the first day of January of the year in which the student ceases to be a full-time student.



(3) Interest payable by a borrower on a loan shall be calculated using the simple interest method. R-009-2013,s.13.

#### Death of Borrower

**30.** (1) A loan granted under these regulations is written off and a borrower's obligations in respect of that loan are extinguished on the day any of the following occurs:

- (a) the borrower dies;
- (b) the borrower disappears in circumstances that, in the opinion of the Commissioner, raise beyond a reasonable doubt a presumption that the borrower is dead; or
- (c) the borrower becomes severely and permanently disabled and the Commissioner is satisfied that the borrower is unable to repay the loan and will never be able to repay it.

(2) For the purposes of determining the death or disappearance of the borrower, the administrator or executor of the estate of the borrower shall, as soon as practicable, provide the Commissioner with

- (a) evidence of the death of the borrower; or
- (b) evidence satisfactory to the Commissioner of the disappearance of the borrower.

(2.1) For the purposes of determining that a borrower is severely and permanently disabled and unable to repay a loan, the borrower shall, as soon as practicable, provide the Commissioner with a medical assessment from a qualified professional acceptable to the Commissioner that provides

- (a) evidence of the disability; and
- (b) evidence satisfactory to the Commissioner of the present and future inability of the borrower to repay the loan.

(3) The date of disappearance under subsection (1) shall be determined by the Commissioner on the basis of evidence received under paragraph (2)(b).

(4) When a borrower's obligations are extinguished in accordance with subsection (1), a security taken by the Secretary from the borrower under subsection 28(2) shall be cancelled or transferred to the borrower or his or her estate, as the case may be. R-009-2013,s.14.

#### Bankruptcy of Borrower

**31.** Where a borrower becomes subject to or takes advantage of a law relating to bankruptcy or insolvency or for the relief of debts, the balance of the principal amount of the loan outstanding and the interest accrued on the loan shall, without delay, become due and payable on the date of the filing of the bankruptcy petition or on the date on which the borrower otherwise becomes subject to or takes advantage of the law, at such rate as

may be determined by the Secretary, not to exceed the rate that would have been payable under subsection 29(2) if a consolidated loan agreement had been entered into between the Commissioner and the borrower on that date.

### Reservists

#### **31.1.** (1) In this section

"designated operation" means an operation that is designated for the purposes of paragraph 247.5(1)(a) of the *Canada Labour Code*; (*opération désignée*)

"reserve force" has the same definition as in subsection 2(1) of the *National Defence Act* (Canada). (*force de réserve*)

(2) This section applies in respect of a person who is a member of the reserve force.

(3) Subject to this section, a person who is a full-time student but ceases his or her program of studies to serve on a designated operation is a serving reservist for the purposes of these Regulations until the later of the day:

- (a) his or her service on the designated operation ends; or
- (b) where he or she is unable to continue full time in a program of studies as a result of an injury or a disease, or an aggravation of an injury or disease, and the injury, disease or aggravation is attributable to or was incurred during the designated operation, the earlier of the day:
  - (i) on which the Deputy Minister determines that the injury or disease, or the aggravation of the injury or disease, no longer precludes the borrower from returning to a program of studies; and
  - (ii) that is two years after the day on which the borrower's service on the designated operation ended.

(4) In order to be considered a serving reservist for the purposes of these Regulations, the person referred to in subsection (3) shall, no later than 30 days after the receipt of his or her posting message provided by the Department of National Defense, notify the Deputy Minister that he or she will be serving on the designated operation.

(5) Notice under subsection (4) must be in a form approved by the Deputy Minister and must include the following information:

- (a) the borrower's social insurance number;
- (b) a copy of the posting message;
- (c) a confirmation that the student intends to return to full-time studies following his or her service on the designated operation; and
- (d) any further information requested by the Deputy Minister.

(6) The Deputy Minister may extend the period referred to in subsection (4) if circumstances beyond the control of the borrower necessitate a longer period.  
R-009-2013,s.15.

### Correspondence Courses Reimbursement

**32.** (1) In this section and section 33,

"adult" means a person who has attained 16 years of age; (*adulte*)

"correspondence course" means a course taken at a distance that

- (a) is sponsored by an accredited Canadian University or technical institution;
- (b) leads to a recognized professional accounting designation; or
- (c) is given by a post-secondary educational institute approved by the Deputy Minister. (*cours par correspondance*)

(2) An adult who is enrolled in a correspondence course may apply to be reimbursed for the costs incurred in taking a correspondence course where that adult

- (a) has been ordinarily resident in Nunavut for a continuous period of three years immediately before registering for the correspondence course;
- (b) is not receiving or is not eligible for financial assistance for such a course from another source; and
- (c) has successfully completed the correspondence course.

(3) An adult may be reimbursed for tuition costs, admission or enrolment fees, postage costs and textbook costs that are required for the correspondence course.

(4) The Minister may establish a maximum amount payable as a reimbursement for each correspondence course. R-018-2008,s.4(1)(n).

**33.** An adult may be reimbursed for the costs incurred by taking a correspondence course by sending

- (a) the original receipts of payment for tuition costs, admission or enrolment fees, postage costs and textbook costs; and
- (b) the appropriate course transcript or final examination mark results which indicate that the correspondence course has been successfully completed.

## GENERAL

**33.1.** Without restricting the powers of the Deputy Minister with respect to the approval of institutions and programs of study for the purposes of these regulations, the Deputy Minister may withhold or revoke approval of an institution or a program of studies for the purposes of these regulations where the institution or program of studies has inadequate administrative or consumer protection policies. R-009-2013,s.16.

**34.** (1) An application for student financial assistance shall be made on a form approved by the Deputy Minister.

(2) A person applying for student financial assistance, other than a scholarship, shall declare, in his or her application, the amount of financial assistance that he or she has or will receive from an employer, a former employer, government or another source to assist him or her in pursuing the program of studies to which the student financial assistance relates.

(3) The Deputy Minister shall take into account the amount of the financial assistance referred to in subsection (2) when determining or making recommendations respecting

- (a) whether student financial assistance, other than a scholarship, should be awarded; and
- (b) the amount of the student financial assistance to be awarded.

**34.1.** (1) A person applying for student financial assistance shall submit his or her application by

- (a) July 15, in respect of programs starting between August 15 and October 1;
- (b) November 15, in respect of programs starting during the month of January;
- (c) March 1, in respect of programs starting between April 15 and May 31; and
- (d) the day that is six weeks before the day on which the semester begins, in all other cases.

(2) Despite subsection (1), an application for student financial assistance submitted up to 30 days after the relevant date set out in subsection (1) may, in accordance with the directions of the Deputy Minister, be considered in determining whether to award student financial assistance in respect of that semester. R-121-92,s.4; R-061-96,s.1; R-009-2013,s.17.

**35.** Except as provided for in paragraph 11.1(4)(b) and section 32, student financial assistance shall be awarded only to a person registered as a full-time student at an approved institution. R-009-2013,s.18.

**35.1.** (1) Despite any provision of these regulations, a person is ineligible to receive any student financial assistance where that person has more than once abandoned a program of studies for which he or she received student financial assistance.

(2) For the purposes of subsection (1), a person only abandons a program of studies where he or she voluntarily ceases to be enrolled in a program of studies prior to completing all the requirements of the program, unless the person later re-enrolls in the same program of studies or enrolls in another program of studies and at least 80% of the credits earned during the original program of studies are credited toward, or are a prerequisite for, the new program of studies. R-009-2013,s.19.

**36.** (1) The Secretary shall not provide a student with a ticket or cheque to be used for the transportation of the student or his or her dependants to an approved institution unless the student provides proof acceptable to the Secretary, from the appropriate approved institution, that the student has been accepted at that institution.

(2) A student referred to in subsection (1) who is provided with a ticket or cheque shall, if he or she registers and attends classes, provide proof acceptable to the Secretary, from the appropriate institution, that the student is registered and attending classes at that institution.

(3) The Secretary shall not provide a student with money for student financial assistance, except for the assistance referred to in subsection (1) and reimbursements respecting correspondence courses, unless the student provides proof acceptable to the Secretary, from the appropriate approved institution, that the student is registered and attending classes at that institution.

(4) A student is not eligible for a part of the student financial assistance applicable to a semester unless in respect of the previous semester, if any,

- (a) he or she has been credited by the approved institution with having passed the relevant part of his or her course of studies that is applicable to that previous semester, or unless his or her performance during the semester has been certified by the Deputy Minister to be adequate to warrant continuation of the student financial assistance, but the student shall, subject to subsection (9), be eligible to receive a part of the student financial assistance applicable to a subsequent semester if he or she subsequently passes or is so certified as performing adequately; and
- (b) he or she has demonstrated to the satisfaction of the Deputy Minister that he or she is willing and able to discharge the responsibilities of managing the student financial assistance.

(5) If a student, in receipt of student financial assistance, withdraws prematurely from his or her program of studies during a semester, he or she shall inform the Secretary within 30 days of his or her withdrawal from the program and the Deputy Minister may require the student to refund a part of the student financial assistance that has been paid and that is applicable to the whole of that semester.

(6) Where a person

- (a) at the time of the awarding of student financial assistance fulfils the eligibility criteria required of him or her at that point, and
- (b) subsequently ceases to be eligible for student financial assistance before commencing his or her course of studies or before the commencement of a semester,

he or she shall not be entitled to receive a part of the student financial assistance applicable to that or a subsequent semester, as the case may be.

(7) Where a person fulfils the eligibility criteria required of him or her at the time of the awarding of the student financial assistance but subsequently ceases to be eligible for student financial assistance during a semester, the person shall be entitled to receive that part of the student financial assistance that is applicable to that semester but shall not be entitled to receive a part of it that is applicable to a subsequent semester.

(8) A student who receives a ticket or cheque under subsection (1) and does not provide proof of registration and attendance at an approved institution shall be treated as automatically forfeiting his or her right to any part of any financial assistance for that semester, and he or she shall refund to the Deputy Minister an amount that is equal to the cost of the ticket or the amount of the cheque.

(9) If at any time the Deputy Minister considers the performance of a student to be unsatisfactory, the Deputy Minister may

- (a) terminate his or her student financial assistance;
- (b) suspend payment of his or her grant or loan for a semester, review his or her performance at the end of that semester and take such further action under this subsection as the Deputy Minister thinks fit; or
- (c) continue to pay his or her grant or loan on a probationary basis subject to taking action under paragraph (a) or (b) failing adequate performance.

**37.** (1) Where a student makes a refund under subsection 36(5), he or she shall, subject to these regulations, be eligible to receive student financial assistance in respect of an additional semester in lieu of the semester that was wholly or partially missed.

(2) Where a student makes a refund under subsection 36(5), he or she shall not be treated as having received student financial assistance in respect of the relevant semester.

(3) Where student financial assistance is terminated under paragraph 36(9)(a), the Deputy Minister may allow the student to reapply, after such period as the Deputy Minister considers fit, for student financial assistance to cover the remaining number of semesters for which he or she is eligible to receive student financial assistance.

- 38.** (1) At the discretion of the Deputy Minister, tuition fees that are covered by a grant may
- (a) be paid directly to the approved institution on receipt of an invoice from the institution and on the student submitting the proof referred to in subsection 36(3);
  - (b) be refunded to the student on submission of a receipt of payment from the approved institution for the payment of tuition fees and on the student submitting the proof referred to in subsection 36(3);  
or
  - (c) be advanced to the student on the student submitting the proof referred to in subsection 36(3).

(2) Where paragraph (1)(a) applies, the Secretary shall inform every approved institution of the fees to be paid by the Government of Nunavut in respect of students in receipt of grants attending the institution.

(3) Financial assistance for air fare may, at the discretion of the Secretary, be provided

- (a) in the form of a ticket; or
- (b) by cheque.

(4) Other moneys payable under a grant, and moneys payable under a loan or a scholarship, shall be paid directly to the student at such times as are decided by the Deputy Minister, in the case of a scholarship or grant, or by the Secretary, in the case of a loan. R-018-2008,s.4(2)(b); R-009-2013,s.20.

### Appeals

**39.** (1) A person may appeal, under section 8.1 of the act, by giving notice in writing to the Minister within 30 days after service of the notice referred to in section 8 of the act.

(2) The appellant shall, in the notice to the Minister, specify the reason for believing that the decision of the Deputy Minister is erroneous.

(3) The Deputy Minister shall forward to the Minister materials that are relevant to the determination of the appeal.

(4) The Minister may decide the appeal in such manner as he or she considers appropriate, but shall observe the principles of natural justice.

(5) The Minister shall decide the appeal as quickly as circumstances permit and, in any case, in sufficient time that, in the event of a successful appeal, the appellant will be able to commence studies as a recipient of student financial assistance, at the commencement of the relevant academic year or semester.

#### False Statements or Misrepresentations

**40.** Where the Minister has reason to believe that an application for student financial assistance or other document in respect of student financial assistance contains a false statement or misrepresentation, he or she may take such action as he or she considers appropriate in the circumstances, and where the Minister is satisfied that a false statement or misrepresentation was knowingly made by the person applying for or in receipt of student financial assistance, he or she may

- (a) deny the student financial assistance applied for or, in the case of a loan which the Commissioner has agreed to make, recommend to the Commissioner that the loan be denied, where the assistance has not yet been granted;
- (b) demand, on behalf of the Commissioner, repayment of the student financial assistance so granted to the person together with interest on the student financial assistance;
- (c) where repayment is not forthcoming under paragraph (b), recommend to the Commissioner that legal proceedings be commenced against the person for recovery of the student financial assistance and interest; or
- (d) take any other action that he or she considers appropriate.

#### Legal Proceedings

**41.** (1) Where money is paid under the Act or these regulations to a person who is not entitled to the money, that person shall refund the money so paid on demand of the Minister, on behalf of the Commissioner.

(2) Where a person is required under these regulations to refund money and the money is not refunded, the Minister may recommend to the Commissioner that legal proceedings be commenced against the person for recovery of the money and interest on the money.

(3) The repayment of money demanded under paragraph 40(b) and money to be refunded under these regulations are a debt due to the Commissioner.

**42. Repealed, R-018-2008,s.5.**

**43. Repealed, R-018-2008,s.5.**

**44. Repealed, R-018-2008,s.5.**



**45. Repealed, R-018-2008,s.5.**

SCHEDULE A

**Repealed, R-018-93,s.4.**

## SCHEDULE B

*(Paragraph 9(4)(a))*

## SUPPLEMENTARY GRANT LIVING ALLOWANCE

In this Schedule, "married student" includes a student cohabiting with another person outside marriage.

STUDENT CATEGORY	MAXIMUM MONTHLY LIVING ALLOWANCES
(a) Single student	
(i) with no dependent children	\$1,032
(ii) with one dependent child	\$1,600
(iii) with two dependent children	\$1,850
(iv) with three dependent children	\$2,100
(v) with four dependent children	\$2,350
(vi) with five dependent children	\$2,600
(vii) with more than five dependent children, for each additional dependent child	\$ 250
(b) Married student living with unemployed spouse	
(i) with no dependent children	\$1,600
(ii) with one dependent child	\$1,850
(iii) with two dependent children	\$2,100
(iv) with three dependent children	\$2,350
(v) with four dependent children	\$2,600
(vi) with five dependent children	\$2,850
(vii) with more than five dependent children, for each additional dependent child	\$ 250
(c) Married student living with employed spouse	
(i) with no dependent children	\$1,032
(ii) with one dependent child	\$1,344
(iii) with two dependent children	\$1,469
(iv) with three dependent children	\$1,594
(v) with four dependent children	\$1,719
(vi) with five dependent children	\$1,844
(vii) with more than five dependent children, for each additional dependent child	\$ 125
(d) Married students, both full-time, with no dependent children	\$1,032 each

## (e) Married students, both full-time, with dependent children:

One student shall only claim as a single student with no dependent children.	\$1,032
The other student shall only claim as a single student	
(i) with one dependent child	\$1,600
(ii) with two dependent children	\$1,850
(iii) with three dependent children	\$2,100
(iv) with four dependent children	\$2,350
(v) with five dependent children	\$2,600
(vi) with more than five dependent children, for each additional dependent child	\$ 250

R-121-92,s.5; R-006-2002,s.3; R-001-2007,s.2; R-018-2008,s.6.