

INCOME ASSISTANCE ACT
CONSOLIDATION OF INCOME ASSISTANCE REGULATIONS
R.R.N.W.T. 1990,c.S-16

(Current to: August 16, 2021)

AS AMENDED BY NORTHWEST TERRITORIES REGULATIONS:

R.R.N.W.T. 1990,c.S-16(Supp.)

In force September 15, 1992: SI-013-92

R-083-92

In force October 1, 1992

R-021-93

R-023-94

In force October 1, 1993

R-095-94

R-104-95

In force November 1, 1995

R-029-96

In force November 1, 1995

R-199-96

In force December 15, 1996

Note: see s.29 of R-199-96 for transitional provisions.

R-017-98

In force January 1, 1997

Note: see s.17 of the *Social Assistance Act* for transitional provisions.

R-023-99

Note: see s.4 and 5 of R-023-99 for transitional provisions.

R-036-2009

In force November 17, 2009

AS AMENDED BY NUNAVUT STATUTES AND REGULATIONS:

R-003-2002

In force July 1, 2002

R-012-2004

In force July 8, 2004

Note: see s.4 for retroactive provisions.

R-016-2004

In force September 17, 2004

R-002-2005

In force April 19, 2005

Note: see s.5(2) for retroactive provisions.

R-004-2006

In force March 15, 2006

R-010-2006

In force July 7, 2006

R-011-2008

In force March 31, 2008

R-002-2009

In force January 16, 2009

(See following page for more Nunavut amending statutes and regulations)

AS AMENDED BY NUNAVUT STATUTES AND REGULATIONS: (continued)

R-036-2009

In force December 1, 2009

S.Nu. 2011,c.6,s.33

s.33 in force February 25, 2011

R-006-2011

In force April 1, 2011

S.Nu. 2012,c.16,s.69

s.69 in force April 15, 2013: SI-002-2013

R-020-2013

In force September 6, 2013

R-025-2014

In force September 23, 2014

R-004-2016

In force March 29, 2016

R-018-2017

In force July 1, 2017

R-023-2018

In force July 1, 2018

R-037-2018

In force December 6, 2018

R-010-2020

In force May 26, 2020

Note: see s.6 of R-010-2020 for transitional provisions.

R-029-2020

In force October 29, 2020

R-030-2020

In force October 29, 2020

R-027-2021

In force June 29, 2021

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).

A copy of a regulation of Nunavut can be obtained from the Territorial Printer at the address below. The *Nunavut Gazette* and this consolidation are also available online at <http://www.nunavutlegislation.ca> but are not official statements of the law.

Any registered regulations not yet published in the *Nunavut Gazette* can be obtained through the Registrar of Regulations at the address below.

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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.)

INCOME ASSISTANCE REGULATIONS

Interpretation

1. (1) In these regulations,

"adult" means a person who has attained 18 years of age; (*adulte*)

"applicant" means a person who applies or on whose behalf an application is made for assistance, and includes a recipient; (*demandeur*)

"application" means an application for assistance under these regulations; (*demande*)

"basic benefits" means the benefits set out in Schedule A; (*prestations de base*)

"budget deficit" means the amount by which the total cost of those basic benefits that are necessary to an applicant exceeds the financial resources of the applicant; (*déficit budgétaire*)

"budget surplus" means the amount by which the financial resources of an applicant exceed the total cost of the basic benefits; (*surplus budgétaire*)

"child" means a person under 18 years of age; (*enfant*)

"dependant" means a member of the family of the applicant who resides with him or her and who is wholly or in part dependent on the income of the applicant, and includes the spouse living with the applicant, but does not include a foster child living in the home of the applicant or an adult in the home who is maintained by the Director; (*personne à charge*)

"disabled" means having physical or mental impairments

- (a) that significantly restrict the ability to perform daily living activities,
 - (i) permanently, or
 - (ii) temporarily for at least six months,
- (b) that result in requiring assistance with daily living activities, and
- (c) that medical treatment would not heal; (*handicapée*)

"earned income" means the items listed in subsection 20(3); (*revenu gagné*)

"extended benefits" means the benefits set out in Schedule B; (*prestations de prolongation*)

"financial resources" means the financial resources of an applicant and his or her dependants as determined in accordance with section 20; (*ressources financières*)

"foster child" means a child who is maintained in a private home by the Director of Child and Family Services; (*enfant placé en foyer nourricier*)

"head of a family" means a person who has charge of a household and who has one or more dependants in the household; (*chef de famille*)

"income in kind" means goods or services received by an applicant free of charge; (*revenus en nature*)

"liquid assets" means cash, bonds, debentures, stocks, the beneficial interest in assets held in trust and available to be used for maintenance and any other assets that can be readily converted into cash; (*avoirs liquides*)

"net monthly income" means the amount calculated in accordance with subsection 20(2); (*revenu mensuel net*)

"recipient" means a person to whom assistance has been granted; (*bénéficiaire*)

"unearned income" means the items listed in subsection 20(4); (*revenu non gagné*)

"unit" means, for the purpose of calculating the amount of assistance to be granted, a person who is an applicant or one of his or her dependants. (*unité*)

(2) The length of time a person is disabled for the purposes of these regulations is evidenced by the expected duration of the physical or mental impairments that is indicated on a single disability certificate provided by a medical practitioner or by a person in a health care profession approved by the Director. R-021-93,s.2,3; R-199-96,s.2; R-016-2004,s.2; R-002-2005,s.2; R-020-2013,s.2; R-018-2017,s.2,3; R-010-2020,s.2.

Person in Need

1.1. (1) Subject to subsection (2), an applicant is a person in need where, by reason of inability to obtain employment, loss of the principal family provider, illness, disability, age or other cause of any kind that makes the applicant unable to provide adequately for himself or herself and his or her dependants or any of them,

- (a) a budget deficit exists; or
- (b) a budget surplus exists that is inadequate, as determined in accordance with the direction of the Director, to provide for an unexpected situation.

(2) An applicant described in subsection (1) is not a person in need where the applicant

- (a) is employable and is unwilling to accept employment of any type that has been offered within Nunavut that would enable the applicant to provide adequately for himself or herself and his or her dependants;
- (b) is a child and is residing with his or her parent or a person who has lawful custody of the applicant;

- (c) is unemployed but is employable as determined under section 5 and an Income Assistance Officer is not satisfied that the applicant is searching for and is willing to undertake wage employment or self-employment;
- (c.1) is incarcerated;
- (c.2) refuses or neglects to use all of the financial resources that he or she may access; or
- (d) is a person described in paragraph 16(1)(a), (a.1), (b), (c), (d) or (e).

(3) An applicant is not required to access pension benefits before he or she attains the age of 65 years if doing so would reduce his or her future entitlements under the pension plan. R-199-96,s.3; R-012-2004,s.2(1)(a); R-016-2004,s.7(a); R-020-2013,s.3; R-010-2020,s.3.

Kinds of Assistance

1.2. (1) The kinds of aid that constitute assistance for the purpose of the Act are money, goods and services.

(2) Basic benefits and extended benefits or a portion of them may be provided in goods or services of an equivalent amount. R-199-96,s.3.

Delegation

1.3. The Director may delegate to a local authority the implementation of any direction of the Director referred to in these regulations in the community in respect of which the local authority has been designated under section 5.1 of the Act. R-199-96,s.3; R-016-2004,s.4.

Application for Assistance

2. Every person applying for assistance shall

- (a) make application for assistance to the Income Assistance Officer for the area in which the applicant is living; and
- (b) sign a statement and authorization in the presence of the Income Assistance Officer taking the application.

R-199-96,s.4,5; R-010-2020,s.3.

3. Application for assistance on behalf of a family shall be made by the head of a family on behalf of himself or herself and his or her dependants, but where an Income Assistance Officer is satisfied that the head of the family is unable, for a valid reason, to make the application, the Income Assistance Officer may permit the application to be made by another adult member of the family, or by a responsible person outside of the family. R-010-2020,s.3.

3.1. Subject to sections 3.2 and 3.3, the Director shall determine the content of the forms to be used by an Income Assistance Officer for an application, statement and authorization referred to in section 2, and for an assessment and verification of whether an applicant is a person in need and for any other purpose that the Director considers necessary.

R-199-96,s.6; R-010-2020,s.3.

3.2. The following must be provided in respect of an applicant and each of his or her dependants before assistance is granted:

- (a) name, sex, address, phone number, birth date, marital status and ethnicity;
 - (b) education and occupation;
 - (c) proof, satisfactory to an Income Assistance Officer, of health care and social insurance numbers;
 - (d) description of any support order entitling the applicant to support;
 - (e) reason for the application for assistance;
 - (f) employment history;
 - (g) the monthly amount and sources of all income including gross earned income, net earned income, unearned income and income in kind;
 - (h) the value and description of all assets; and
 - (i) information concerning finances from, if relevant, his or her employer, educational institution, bank, co-operative association or other body providing banking services, or government agency.
- R-199-96,s.6; S.Nu. 2012,c.16,s.69(2); R-020-2013,s.4;
R-010-2020,s.3.

3.3. The statement and authorization of the applicant referred to in paragraph 2(b) must include statements that the applicant

- (a) is or is not the head of the family;
- (b) has attained the age of 18 years and does not reside with his or her parent or a person who has lawful custody of the applicant;
- (c) will inform the Income Assistance Officer immediately of any change in his or her circumstances that would affect his or her application or the amount of assistance granted, including change in dependants, income, assets or residence;
- (d) authorizes the Income Assistance Officer to verify the information provided by the applicant;
- (e) authorizes the release of information to the Income Assistance Officer concerning the applicant's finances from the applicant's employer, educational institution, bank, co-operative association or other body providing banking services, or a government agency;
- (f) authorizes the release of information to the Income Assistance Officer relating to any claim by the applicant for unemployment benefits or employment benefits under the *Employment Insurance Act* (Canada) or under the *Canada Pension Plan*;

- (g) declares that he or she understands the circumstances under which the procedure by which he or she may appeal a decision respecting assistance and the circumstances under which the Income Assistance Officer may assist the applicant in making the appeal;
- (h) declares the information that he or she provides to the Income Assistance Officer is true;
- (i) declares that he or she understands that making a false or misleading statement for the purpose of obtaining assistance for himself or herself or any other person is an offence punishable on summary conviction;
- (j) will assign to the Director any support order entitling the applicant to support; and
- (k) will repay assistance for which the applicant is not eligible or in excess of the amount of assistance to which the applicant is eligible and understands that such assistance may be deducted from future assistance payments.

R-199-96,s.6; R-016-2004,s.7(b); S.Nu. 2012,c.16,s.69(3);
R-020-2013,s.5; R-010-2020,s.3.

4. Repealed, R-199-96,s.7.

5. Where an applicant is unemployed but is employable, as determined in accordance with the direction of the Director, the Income Assistance Officer shall satisfy himself or herself that the applicant is searching for and is willing to undertake wage employment or self-employment. R-021-93,s.4; R-199-96,s.8; R-010-2020,s.3.

6. (1) An Income Assistance Officer may require an applicant to disclose fully such information as the Income Assistance Officer considers necessary to establish the eligibility of the applicant and the Income Assistance Officer may refuse assistance until sufficient information is provided.

(2) The applicant shall be informed in writing of a refusal under subsection (1) together with the reasons for the refusal within 24 hours of the refusal. R-010-2020,s.3.

7. An Income Assistance Officer shall refuse assistance to any applicant whom the Income Assistance Officer determines is not a person in need, and the applicant shall be informed in writing of the refusal and the reason for the refusal within 24 hours of the refusal. R-199-96,s.9; R-010-2020,s.3.

Support Orders

8. (1) Where a person applying for assistance is entitled to support under a support order as defined in the *Family Support Orders Enforcement Act*, the person shall, as a condition of receiving assistance, assign the support order to the Director.

(2) Where a support order is assigned to the Director under subsection (1), the Director shall file the order and a copy of the assignment with the Family Support Manager. S.Nu. 2012,c.16,s.69(4).

Granting of Assistance

- 9.** Where, after a thorough review, an Income Assistance Officer is satisfied that an applicant is a person in need, the Income Assistance Officer shall
- (a) determine the amount of assistance based on the applicant's need for assistance;
 - (b) determine, in accordance with the direction of the Director, whether the assistance is to be provided as money, goods or services, or any combination of them; and
 - (c) grant assistance in accordance with Schedule A and, subject to section 13.1, Schedule B as is applicable to the circumstances of the applicant.
- R-199-96,s.10; R-010-2020,s.3.

- 10.** Where assistance has been granted under section 9, the Income Assistance Officer shall inform the applicant immediately
- (a) of the kind and the amount of assistance, the manner in which the amount of assistance was determined and the method of providing the assistance; and
 - (b) of the responsibility of the applicant to report immediately any change in circumstances that would affect the amount of the assistance that has been granted.
- R-199-96,s.11; R-010-2020,s.3.

Commencement of Assistance

- 11.** (1) Assistance shall commence
- (a) on the day application for assistance was made, or
 - (b) on the day in respect of which the need for assistance is established whichever day is the later, but assistance for rent, fuel and utilities may, if the need exists, be granted commencing from the beginning of the month in which application was made.

(2) If the eligibility of an applicant for assistance cannot be determined immediately for reasons beyond the control of the applicant or the Income Assistance Officer and the need is apparently urgent, a grant of minimal assistance may be made in accordance with Schedule A to meet the need until the eligibility of the applicant can be determined.

R-199-96,s.12; R-010-2020,s.3.

Method of Providing Assistance

12. (1) Assistance shall be provided in advance either monthly or on a *pro rata* monthly calculation at intervals during the month, as considered appropriate by the Income Assistance Officer having regard to the circumstances of the recipient.

(2) Assistance may be provided in advance for up to two months where the recipient is able to demonstrate to an Income Assistance Officer that the recipient and his or her family will be residing in a remote or inaccessible location for an extended period of time.

(3) Assistance in the form of money may be paid

- (a) by cheque or direct deposit to the recipient or as otherwise directed by the recipient;
- (a.1) as part of a consolidated cheque to a vendor;
- (b) by payment to a vendor and the recipient as joint payees for provision of goods or services or both to those recipients who are unable or unwilling to handle cash, but in these cases the recipient may choose the vendor; or
- (c) by cheque to a trustee.

(3.1) Assistance in the form of goods or services may be provided to the recipient by the Income Assistance Officer or by a person authorized by the Income Assistance Officer to provide the goods or services.

(4) Where, under subsection (3), payment is made to a trustee, the trustee shall, in a manner approved by the Director and at intervals of not longer than three months, provide an accounting of expenditures to the Income Assistance Officer granting the assistance. R-199-96,s.13,14; R-016-2004,s.5; R-020-2013,s.6; R-010-2020,s.3.

Continuing Eligibility

13. A recipient who, in the opinion of the Income Assistance Officer, is likely to be in monthly receipt of assistance in substantially similar amounts for a period of 3 months or more and whose financial circumstances, in the opinion of an Income Assistance Officer, are unlikely to change, may be issued assistance monthly without financial review for a period up to 12 months. R-199-96,s.15; R-010-2020,s.3.

Participation in Program or Activity

13.1. (1) An Income Assistance Officer shall meet with an applicant and

- (a) discuss the activities and programs referred to in subsection (6) that are available in the community in which the applicant resides or to the residents of that community;

- (b) determine the activities and programs that the applicant is capable of participating in; and
- (c) recommend to the applicant one or more activities or programs in which the applicant must participate that are available in the community in which the applicant resides or to the residents of that community.

(2) An Income Assistance Officer, in consultation with the recipient, shall determine the time within which an applicant must commence participation in any activity or program recommended by the Income Assistance Officer and the duration of the applicant's participation in the activity or program.

(3) An Income Assistance Officer shall monitor an applicant's participation in any activity or program recommended by the Officer and the applicant shall report to the Income Assistance Officer on his or her participation in the activity or program as required by the Income Assistance Officer.

(4) An Income Assistance Officer may change his or her recommendation respecting an activity or program in accordance with subsection (1) and shall review his or her recommendation on the request of an applicant.

(5) An applicant shall participate in the activities and programs recommended by an Income Assistance Officer unless

- (a) a person in a health care profession approved by the Director, an occupational therapist or a medical practitioner certifies that the applicant is not capable of participating in the activity or program; or
- (b) the applicant attained the age of 60 years.

(6) The activities or programs that an Income Assistance Officer may recommend to an applicant are the following:

- (a) wage employment;
- (b) employment in traditional activities that is not wage employment;
- (c) education or training;
- (d) parenting or care of adult family members;
- (e) counselling or treatment; and
- (f) community service.

(7) Where an applicant is participating in an activity or program recommended by an Income Assistance Officer or is exempted under subsection (5), in addition to the assistance granted under Schedule A, an Income Assistance Officer shall grant assistance under Schedule B.

- (8) In granting assistance under subsection (7), the Income Assistance Officer shall
- (a) determine the amount of assistance based on the applicant's need for assistance;

- (b) determine, in accordance with the direction of the Director, whether the assistance is to be provided as money, goods or services, or any combination of them; and
- (c) grant assistance in accordance with Schedule B as is applicable to the circumstances of the applicant.
R-199-96,s.16; R-010-2020,s.3.

Changes in Amount of Assistance

14. Where the need of a recipient for assistance increases, the increase in assistance shall commence on the earlier of the day the Income Assistance Officer is advised of the change in circumstances of the recipient or on the day the increased need is determined.
R-010-2020,s.3.

15. Where the need of a recipient for assistance is reduced, the Income Assistance Officer shall take immediate action to reduce the amount of the assistance.
R-010-2020,s.3.

- 16.** (1) Every Income Assistance Officer shall terminate assistance to a recipient where
- (a) the recipient has the means available to maintain himself or herself and his or her dependants adequately;
 - (a.1) the recipient refuses or neglects to use all the financial resources that he or she may access;
 - (b) the recipient refuses or ceases to participate in an activity or program recommended by an Income Assistance Officer under section 13.1 unless exempted under subsection 13.1(5);
 - (c) the recipient refuses or neglects to provide the Income Assistance Officer with any information that is required in order to determine the financial resources and other circumstances of the recipient that may affect the amount of assistance provided to the recipient;
 - (d) the recipient obtains employment resulting in earnings adequate to meet the needs of himself or herself and his or her family, but assistance may be continued until receipt of his or her first pay cheque; or
 - (e) subject to subsection (2), the recipient leaves Nunavut.

(1.1) A recipient is not required to access pension benefits before he or she attains the age of 65 years if doing so would reduce his or her future entitlements under the pension plan.

(2) Where a recipient leaves Nunavut to receive treatment or medical care, assistance may be continued for a temporary period, as determined by the Director.
R-199-96,s.17; R-012-2004,s.2(1)(b),(c); R-020-2013,s.7; R-010-2020,s.3.

17. (1) Before changing, suspending, reinstating or terminating assistance, an Income Assistance Officer shall, where possible, review the circumstances of the recipient with

him or her, or in lieu of this review and with the knowledge of the recipient, make such inquiry and obtain such information as he or she considers necessary.

(1.1) An Income Assistance Officer shall inform the recipient of the results of an inquiry conducted and the information obtained under subsection (1).

(2) Where assistance is changed, suspended, reinstated or terminated, the Income Assistance Officer shall inform, if possible, the recipient in a timely manner of such change, suspension, reinstatement or termination and the reasons for it. R-020-2013,s.8; R-010-2020,s.3.

18. Repealed, R-199-96,s.18.

19. Repealed, R-199-96,s.18.

Financial Resources

20. (1) In calculating the financial resources of an applicant and the dependants of an applicant, an Income Assistance Officer shall, in accordance with these regulations, ascertain the net monthly income of the applicant and dependants and shall complete an application and make such inquiries as are necessary for the purpose.

(2) In this section, "net monthly income" means

- (a) the earned income as set out in paragraphs (3)(a) and (b), less
- (b) the allowable income as set out in subsection (6), plus
- (c) the unearned income as set out in subsection (4) and income in kind as set out in subsection (4.1),

but in calculating the amount of net monthly income the amounts mentioned in subsection (5) shall not be included.

(3) For the purposes of paragraph (2)(a) the following shall be considered as earned income:

- (a) net salary and wages including voluntary deductions; and
- (b) net income from hunting, trapping, fishing, business operations and other self-employment, but not including unearned income as set out in subsection (4).

(4) For the purposes of paragraph (2)(c) the following shall be considered as unearned income:

- (a) 40% of the gross income received from roomers or lodgers or \$20 a month for each roomer or lodger, whichever is the greater;
- (b) 20% of the gross income received from boarders or \$10 a month for each boarder, whichever is the greater;
- (c) 50% of the gross income received from rented self-contained living quarters or property the applicant is allowed to retain;

- (d) the regular or periodic payments received under any annuity, pension plan, superannuation scheme or insurance benefit, except where the insurance payment is received as a result of fire, theft, or property damage and is used to replace or repair loss;
- (e) benefits from benevolent organizations or other agencies;
- (f) any payments received under a mortgage, agreement for sale or loan agreement;
- (g) any pension or payment received under the legislation of any other country;
- (h) moneys held in trust for a child and available for distribution;
- (i) moneys received under the terms of maintenance or support orders, parent's maintenance or support orders, affiliation or contribution orders or agreements, separation agreements, court orders, divorce decrees, inheritance settlements or other types of settlements or agreements;
- (j) maintenance allowances paid under training programs;
- (k) the reasonable value of goods and services received by an applicant as estimated by the Income Assistance Officer;
- (l) **repealed, R-027-2021,s.2(1)(a).**
- (l.1) **repealed, R-027-2021,s.2(1)(a).**
- (m) assets that can be realized within 90 days or can be converted into cash at a loss not exceeding 25% of reasonable market value such as real property, personal property, moneys in a bank or other institution, a right to receive or recover a debt on demand, the immediate realizable value of stocks, bonds or other securities, mortgages, agreements for sale, life insurance and wills or other settlements;
- (m.1) **repealed, R-004-2016,s.3.**
- (n) income received under the following Acts:
 - (i) *Pension Act (Canada),*
 - (ii) *Canada Pension Plan,*
 - (iii) *Civilian War-related Benefits Act (Canada),*
 - (iv) *War Veterans Allowances Act (Canada),*
 - (v) *Employment Insurance Act (Canada),*
 - (vi) *Old Age Security Act (Canada),* including spouse's allowance and monthly guaranteed income supplement,
 - (vii) *Canada Emergency Response Benefit Act (Canada),*
 - (vii.1) *Canada Emergency Student Benefit Act (Canada),*
 - (viii) *Workers' Compensation Act;*
- (o) benefits received under Part 1 or Part 3 of the *Canada Recovery Benefits Act (Canada)*; and
- (p) the total of all monies in excess of \$700 a month received by the applicant or their dependants from any source, other than
 - (i) other unearned income,
 - (ii) earned income,

- (iii) allowable income, and
- (iv) monies from sources listed in subsection(5).

(4.1) Income in kind having a value in excess of \$40 shall be considered as income in kind for the purpose of paragraph (2)(c).

(5) In calculating net monthly income under subsection (2) the following items shall not be included:

- (a) child tax benefits received under the *Income Tax Act* (Canada);
- (a.1) refunds indicated on a Notice of Assessment or a Notice of Reassessment for an income tax and benefit return from the Canada Revenue Agency, up to a value of \$3,000 per individual per taxation year;
- (b) casual gifts of small value;
- (c) contributions other than for ordinary maintenance to applicants or members of the family of the applicant who require special care;
- (d) payments made by the Director of Child and Family Services on behalf of a foster child;
- (e) payments made by the Director for maintenance of a dependent adult;
- (f) the value of essential equipment to carry on hunting, trapping, logging, fishing or business operations;
- (g) the value of any Indian Treaty money or goods received in accordance with the provisions of Treaty No. 8 (June 21, 1899) and Treaty No. 11 (June 27, 1921);
- (h) the value of any money or goods received in accordance with the provisions of the Nunavut Land Claims Agreement, the Inuvialuit Final Agreement, or any other agreement or treaty within the meaning of section 35 of the *Constitution Act, 1982*;
- (i) the value of real property used as the residence of the applicant unless the property is, in the opinion of the Director, in excess of the reasonable needs of the applicant;
- (j) the value of real property necessary for the operation of the business of the applicant;
- (k) moneys held in trust for a child that are not available for distribution;
- (l) the value of any asset that in the opinion of the Director should, for sound social or economic reasons, not be converted into cash;
- (m) in respect of a person who has attained the age of 60 years, the value of assets to a total of \$5,000;
- (m.1) in respect of a person who is disabled, the value of assets to a total of \$5,000;
- (m.2) in respect of a person who has not attained the age of 60 years and is not disabled, the value of assets to a total of
 - (i) \$500 in the case of an applicant who has no dependants, or
 - (ii) \$1000 in the case of an applicant who has one or more dependants

- (n) the value of any money or goods provided as a non-contractual social benefit by Nunavut Tunngavik Incorporated, a Regional Inuit Organization as defined in the Nunavut Land Claims Agreement, or a similar organization representing indigenous peoples in Canada to one of its members, either directly or indirectly;
- (o) any payment that is not assistance made to an applicant for participation in an activity or program referred to in subsection 13.1(6) as directed by the Director;
- (p) any day care subsidy payment;
- (q) a payment made pursuant to an annual distribution to members of funds by a co-operative association registered under the *Co-operative Associations Act*;
- (r) any money paid or payable to an eligible Common Experience Payment recipient or eligible Independent Assessment Process claimant under the Agreement in Principle, dated November 20, 2005, between the Government of Canada, the Assembly of First Nations, the General Synod of the Anglican Church of Canada, the Presbyterian Church in Canada, the United Church of Canada, Roman Catholic Entities, and Plaintiffs as represented by the National Consortium, Merchant Law Group, and other legal counsel;
- (r.1) any money paid or payable to an Eligible Class Member under the Sixties Scoop Settlement Agreement, dated November 30, 2017, between Her Majesty the Queen and various plaintiffs;
- (s) a benefit paid under section 4 of the *Universal Child Care Benefit Act* (Canada);
- (t) an amount paid under section 122.7 of the *Income Tax Act* (Canada), commonly known as the Working Income Tax Benefit;
- (u) an amount accumulated in or received from a registered disability savings plan as defined in subsection 146.4(1) of the *Income Tax Act* (Canada), S.C.1985, c. 1 (5th Supp.), as amended, and as referred to in the *Canada Disability Savings Act*, S.C. 2007, c. 35, s. 136; and
- (v) benefits received under Part 2 of the *Canada Recovery Benefits Act* (Canada).

(6) For the purposes of paragraph (2)(b) the following shall be considered as allowable income:

- (a) in the case of an applicant who has no dependants,
 - (i) the first \$200 of earned income, and
 - (ii) half of the next \$600 of earned income; or
- (b) in the case of an applicant who has one or more dependants,
 - (i) the first \$400 of earned income, and
 - (ii) half of the next \$600 of earned income.

R-021-93,s.5; R-095-94,s.2,3,4; R-199-96,s.19; R-023-99,s.2;
 R-003-2002,s.2; R-016-2004,s.6; R-002-2005,s.3;
 R-004-2006,s.2; R-010-2006,s.2; R-011-2008,s.2;

R-002-2009,s.2; S.Nu. 2011,c.6,s.33;
 S.Nu. 2012,c.16,s.69(5); R-020-2013,s.9; R-004-2016,s.2,3;
 R-018-2017,s.4; R-010-2020,s.3,4; R-029-2020; R-030-2020;
 R-027-2021,s.2(1),(2).

Medical Certificate

21. An Income Assistance Officer may, at any time the Income Assistance Officer considers it necessary, require a medical certificate setting out the condition of health of an applicant as an aid in determining the applicant's employability or ability to participate in an activity or program referred to subsection 13.1(6). R-199-96,s.20; R-010-2020,s.3.

Recovery of Assistance

22. The Director may recover from a recipient or the estate of a recipient the amount of assistance

- (a) in excess of that authorized by the Act, these regulations or any other regulations made under the Act; or
- (b) to which the recipient was not entitled, but which was granted because of his or her failure to disclose income or assets.

Voluntary Repayment of Assistance

23. Any person who has received assistance may repay such assistance and the moneys so received shall be deposited in the Consolidated Revenue Fund.

Alienation or Transfer of Assistance

24. Assistance granted under these regulations is not subject to alienation or transfer by the recipient, or to attachment or seizure in satisfaction of a claim.

25. Repealed, R-199-96,s.21.

APPEALS

Appeals to Appeal Committee

26. An Income Assistance Officer who makes a decision shall, in writing,

- (a) advise the applicant of the right to appeal; and
- (b) provide the applicant with clear instructions respecting appeal procedures.

R-012-2004,s.2(1)(d); R-016-2004,s.8(a); R-037-2018;
 R-010-2020,s.3.

27. (1) An applicant or their representative may, within seven days after receiving a decision, appeal the decision by sending written notification to

- (a) the chairperson of the Appeal Committee; and
- (b) the Director.

(2) The notification referred to in subsection (1) must set out clearly the reasons for the appeal and the remedy sought.

(3) If an applicant is unable to provide the notification under subsection (1) in writing, the Income Assistance Officer shall

- (a) refer the applicant to a person who will assist in the preparation of the notification; or
- (b) if no such person is reasonably available to assist the applicant, assist the applicant in the preparation of the notification.

(4) A person assisting in the preparation of a notification under subsection (1) shall

- (a) accurately include anything that the applicant states they want included in or with the notification; and
- (b) not include anything in or with the notification without the applicant's consent.

(5) An Income Assistance Officer assisting in the preparation of a notification under subsection (1)

- (a) shall act in an impartial manner; and
- (b) in particular, shall not provide the applicant with an opinion about the merits of the appeal or of anything the applicant states they want included in or with the notification.

R-037-2018; R-010-2020,s.3.

28. (1) Within 30 days after receiving notification that an applicant requests an appeal, the chairperson of the Appeal Committee shall hold a meeting of

- (a) the Appeal Committee; and
- (b) the applicant, their representative, or both.

(2) The chairperson shall provide the applicant and the members of the Appeal Committee at least three days' notice before the hearing of an appeal.

(3) A meeting under subsection (1) may be held in person, by telephone, or by another technology that allows for a simultaneous voice conversation.

(4) Despite this section and sections 29 and 31, the Director may direct that assistance be provided to the applicant as requested in the applicant's notification, in which case the appeal proceedings are terminated. R-025-2014,s.2; R-037-2018.

29. (1) The Appeal Committee may, in its proceedings, require the applicant and the Income Assistance Officer to provide such documents and other information as are necessary to determine the eligibility of the applicant.

(2) If the applicant does not provide documents and other information requested under this section, the Appeal Committee may

- (a) proceed with the appeal without the documents and other information; or
- (b) despite the time limit in subsection 28(1), delay the proceedings until the documents and other information have been provided.
R-199-96,s.22; R-012-2004,s.2(1)(e); R-016-2004,s.8(b);
R-020-2013,s.10; R-037-2018; R-010-2020,s.3.

30. (1) Subject to this section, when an applicant has been given notice of a hearing under subsection 28(2) and they fail to appear, the proceedings continue in their absence.

(2) If, prior to a hearing, the applicant requests the chairperson of the Appeal Committee to reschedule the hearing and the request is reasonable under subsection (4), the chairperson shall, despite the time limit in subsection 28(1),

- (a) reschedule the hearing for a later time; and
- (b) provide new notice of the hearing in accordance with subsection 28(2).

(3) If, after a hearing held in the absence of the applicant pursuant to subsection (1), the applicant requests the chairperson of the Appeal Committee for a new hearing and the request is reasonable under subsection (4),

- (a) the chairperson shall, despite the time limit in subsection 28(1),
 - (i) schedule a new hearing, and
 - (ii) provide notice of the new hearing in accordance with subsection 28(2); and
- (b) if a ruling by default has been entered, the Appeal Committee may issue a new ruling in accordance with 30(1) following the new hearing.

(4) For the purposes of this section, a request is reasonable only if, in the circumstances,

- (a) the reasons provided in the request are sufficient to justify an absence from the hearing; and
- (b) the request is provided in a timely manner.
R-016-2004,s.8(c); R-037-2018.

31. (1) The Appeal Committee, after examining the documents and other information and hearing such testimony as it considers necessary,

- (a) shall issue a ruling, in writing, either
 - (i) dismissing the appeal, or

- (ii) directing that assistance in an amount stated in the ruling be provided; and
- (b) may issue other rulings as may be necessary to resolve the appeal.

(2) A ruling under subparagraph (1)(a)(ii) may only provide for assistance in an amount that is

- (a) at most the amount requested in the notification; and
- (b) at least the amount provided for in the decision of the Income Assistance Officer.

(3) The chairperson of the Appeal Committee shall forward copies of orders under subsection (1) to the applicant, the Income Assistance Officer and the Director. R-025-2014,s.3; R-037-2018; R-010-2020,s.3.

32. When the Appeal Committee directs that assistance be provided to an applicant, the Income Assistance Officer shall provide assistance in accordance with the ruling for the date of the ruling until

- (a) financial or other circumstances of the applicant materially change; or
- (b) the Appeal Board varies the ruling. R-037-2018; R-010-2020,s.3,5.

Appeals to Appeal Board

33. (1) An applicant, their representative or the Director may, within seven days after receiving a ruling of the Appeal Committee, appeal the ruling by sending written notification to the chairperson of the Appeal Board.

(2) The notification referred to in subsection (1) must set out clearly the reasons for the appeal and the remedy sought.

(3) Subsections 27(3) to (5) apply to notifications under this section. R-037-2018.

34. (1) On receiving a notification under section 33, the chairperson of the Appeal Board shall

- (a) be provided with a copy of the ruling being appealed;
- (b) cause the documents that are necessary to determine the eligibility of the applicant and the reasons for the appeal to be assembled; and
- (c) designate three to five members of the Appeal Board to sit as a panel of the Appeal Board and direct the panel to hear the appeal.

(2) An appeal before a panel is presided by

- (a) the chairperson of the Appeal Board;

- (b) if the chairperson is not present, the vice-chairperson of the Appeal Board; or
- (c) if the chairperson and vice-chairperson are not present, a member of the panel designated by the chairperson.

(3) Within 30 days after receiving notification that an applicant requests an appeal, the chairperson of the Appeal Board shall hold a meeting of

- (a) the panel;
- (b) the applicant, their representative, or both; and
- (c) the Director.

(4) The chairperson shall provide the applicant, the Director and the members of the panel at least three days' notice before the hearing of an appeal.

(5) A meeting under subsection (3) may be held in person, by telephone, or by another technology that allows for a simultaneous voice conversation. R-199-96,s.23; R-037-2018.

35. The panel may, in its proceedings, require the applicant, the Income Assistance Officer, the chairperson of the Appeal Committee and the Director to provide such documents and other information as are necessary to determine the eligibility of the applicant. R-025-2014,s.4; R-037-2018; R-010-2020,s.3.

36. (1) Subject to this section, when an applicant or the Director has been given notice of a hearing under subsection 34(4) and they fail to appear, the proceedings continue in their absence.

(2) If, prior to a hearing, the applicant requests the chairperson of the Appeal Board to reschedule the hearing and the request is reasonable under subsection (4), the chairperson shall, despite the time limit in subsection 34(3),

- (a) reschedule the hearing for a later time; and
- (b) provide new notice of the hearing in accordance with subsection 34(4).

(3) If, after a hearing held in the absence of the applicant pursuant to subsection (1), the applicant requests the chairperson of the Appeal Board for a new hearing and the request is reasonable under subsection (4),

- (a) the chairperson shall, despite the time limit in subsection 34(3),
 - (i) schedule a new hearing, and
 - (ii) provide new notice of the hearing in accordance with subsection 34(4); and
- (b) if an order by default has been entered, the Appeal Board may issue a new order in accordance with 37(1) following the new hearing.

(4) For the purposes of this section, a request is reasonable only if, taking into account the circumstances and the prejudice that the applicant could suffer if they cannot or because they did not attend the hearing,

- (a) the reasons provided in the request are sufficient to justify an absence from the hearing; and
- (b) the request is provided in a timely manner.

R-037-2018.

37. (1) The panel, after examining the documents and other information and hearing such testimony as it considers necessary,

- (a) shall issue order, in writing, either
 - (i) dismissing the appeal, or
 - (ii) directing that assistance in an amount stated in the ruling be provided; and
- (b) may issue other orders as may be necessary to resolve the appeal.

(2) An order under subparagraph (1)(a)(ii) may only provide for assistance in an amount that is

- (a) at most the amount requested in the notification sent to the chairperson of the Appeal Committee under section 27; and
- (b) at least the amount provided for in the decision of the Income Assistance Officer.

(3) The order of the panel is deemed to be an order of the Appeal Board.

(4) The chairperson of the Appeal Board shall forward copies of orders under subsection (1) to the applicant, the Income Assistance Officer, the Director and the chairperson of the Appeal Committee.

(5) Subject to subsection (4), the chairperson of the Appeal Board shall ensure that the order and the reasons for it are posted on an Internet website maintained by or for Appeal Board.

(6) Orders and reasons posted under subsection (3) must be edited or redacted in a manner such that the applicant and their home community are not identified or identifiable. R-037-2018; R-010-2020,s.3.

38. When the Appeal Board directs that assistance be provided to an applicant, the Income Assistance Officer shall provide assistance in accordance with the order from the date of the order until financial or other circumstances of the applicant materially change. R-199-96,s.24; R-037-2018; R-010-2020,s.3,5.

General

39. (1) A majority of the persons appointed to the Appeal Committee constitute a quorum of the Appeal Committee.

(2) For greater certainty, the consent of the majority of the members present at the proceedings of the Appeal Committee is required before a ruling is issued. R-199-96,s.25; R-037-2018.

40. (1) Three members constitute a quorum of the Appeal Board or a panel of the Appeal Board.

(2) For greater certainty, the consent of the majority of the members present at the proceedings of a panel of the Appeal Board is required before an order is issued.

(3) A panel of the Appeal Board established under section 34 has the jurisdiction and may exercise all the powers and perform all the duties of the Appeal Board under the Act and these regulations and, for that purpose, a reference in the Act or these regulations to the Appeal Board is deemed to also be a reference to a panel of the Appeal Board. R-025-2014,s.5; R-037-2018.

41. When an applicant requests the use of an Official Language at a hearing, the chairperson of the Appeal Committee or Appeal Board, as the case may be, shall ensure that either

- (a) the hearing is held in that Official Language; or
 - (b) interpretation services are provided to the applicant in that Official Language.
- R-037-2018.

42. (1) Subject to subsections 37(4) and (5),

- (a) the Appeal Committee and Appeal Board shall conduct appeal proceedings in private; and
- (b) no person shall provide their rulings or orders to persons other than those authorized to be provided rulings or orders under these regulations.

(2) For greater certainty, appeals under these regulations must be conducted in accordance with the rules of natural justice. R-012-2004,s.2(1)(f); R-037-2018.

43. Repealed, R-037-2018.

44. Repealed, R-037-2018.

45. Repealed, R-037-2018.

46. Repealed, R-037-2018.

47. Repealed, R-037-2018.

48. Repealed, R-037-2018.

- 49. Repealed, R-037-2018.**
- 50. Repealed, R-037-2018.**
- 51. Repealed, R-037-2018.**
- 52. Repealed, R-037-2018.**
- 53. Repealed, R-037-2018.**
- 54. Repealed, R-037-2018.**
- 55. Repealed, R-037-2018.**
- 56. Repealed, R-037-2018.**

SCHEDULE A

*(Section 1, paragraph 9(c),
subsection 13.1(7))*

BASIC BENEFITS

For the purposes of these regulations, the basic benefits and their cost are as follows:

Basic Allowance

1. Assistance in the form of a food allowance may be provided to persons in need in accordance with the Table set out at the end of this Schedule that shows maximum scales in force in various settlements of Nunavut.

(2) Repealed, R-017-98,s.3.

(3) Repealed, R-017-98,s.3.

R-017-98,s.3; R-012-2004,s.2(1)(g); R-016-2004,s.9; R-023-2018,s.2.

Sundries Allowance

1.1 (1) A sundries allowance of \$50 per month may be provided for a person in need or their dependant staying in a medical or treatment facility.

(2) No sundries allowance shall be provided for a person in respect of whom a basic allowance is paid. R-023-2018,s.3.

2. Repealed, R-017-98,s.3.

3. Repealed, R-017-98,s.3.

Room and Board

4. (1) An allowance for room and board may be provided to or on behalf of persons in need at local rates in accordance with the direction of the Director.

(2) Repealed, R-017-98,s.3.

(3) Repealed, R-017-98,s.3.

(4) Where a person in care is the recipient of an allowance or pension, that person shall be required to contribute toward the cost of his or her own care that portion of the allowance or pension that exceeds \$50 a month. R-017-98,s.3.

Accommodation

5. (1) A rental accommodation allowance to a maximum amount equal to the actual cost of rental accommodation may be provided in accordance with the direction of the Director.

(2) Where a recipient resides in an accommodation for which a subsidy is normally available, the allowance shall not exceed the minimum rental rate for the unit.

(3) Where a person in need who has one or more dependants owns his or her own home, a monthly allowance may be paid which is sufficient to cover current taxes, fire insurance and other assessments, but the total allowance shall not exceed the rental allowance that would otherwise be provided.

(4) Where a person in need who has one or more dependants is making mortgage payments on his or her own home, a monthly allowance may be paid which is sufficient to cover current taxes, interest on a mortgage, principal, fire insurance and other assessments, but the total allowance for these items shall not exceed the rental allowance which would otherwise be provided.

(5) The Director may, on being satisfied that extreme hardship would otherwise result, increase the amounts mentioned in subsections (1) to (4).

Fuel Allowance

6. An allowance may be provided to a person in need for the actual cost of fuel required for heating and cooking purposes.

Utilities Allowance

7. An allowance may be provided to a person in need for the actual cost of light, water and sewage services required.

8. **Repealed, R-017-98,s.3.**

9. **Repealed, R-017-98,s.3.**

10. **Repealed, R-017-98,s.3.**

11. **Repealed, R-017-98,s.3.**

SCHEDULE A

(Section 4)

Nunavut Basic Allowance Table

	Zone 1	Zone 2	Zone 3	Zone 4
Municipalities in zone	Arviat Iqaluit Rankin Inlet	Arctic Bay Baker Lake Cambridge Bay Chesterfield Inlet Gjoa Haven Hall Beach Igloolik Kugluktuk Naujaat Whale Cove	Cape Dorset Kimmirut Pangnirtung Sanikiluaq Taloyoak	Clyde River Coral Harbour Grise Fiord Kugaaruk Pond Inlet Qikiqtarjuaq Resolute
Number of family members	Monthly Allowance			
1	\$682	\$727	\$740	\$782
2	\$866	\$921	\$937	\$986
3	\$1,079	\$1,144	\$1,163	\$1,222
4	\$1,373	\$1,455	\$1,478	\$1,553
5	\$1,644	\$1,742	\$1,770	\$1,859
6	\$1,894	\$2,006	\$2,038	\$2,140
7	\$2,123	\$2,247	\$2,283	\$2,396
8	\$2,329	\$2,464	\$2,503	\$2,627
9	\$2,514	\$2,659	\$2,700	\$2,832
10	\$2,678	\$2,830	\$2,874	\$3,013
Each additional family member	\$163	\$171	\$173	\$181

R-083-92,s.2; R-023-94,s.2; R-104-95,s.1; R-017-98,s.2,3; R-023-99,s.3; R-012-2004,s.3;
R-002-2005,s.4; R-036-2009,s.2; R-006-2011,s.2; R-023-2018,s.4.

SCHEDULE B

*(Section 1, paragraph 9(c),
subsections 13.1(7) and (8))*

EXTENDED BENEFITS

For the purposes of these regulations, the extended benefits and their cost are as follows:

Clothing Allowance

1. **Repealed, R-023-2018,s.5.**
2. **Repealed, R-006-2011,s.3.**

Incidental Allowance

3. (1) An incidental allowance of \$250 may be granted as an extended benefit to a person who is disabled permanently, or temporarily for more than one year.

(2) An incidental allowance of \$175 may be granted as an extended benefit to a person, other than a person described in subsection (1), who has attained the age of 60 years.

(3) An incidental allowance of \$125 may be granted as an extended benefit to a person, other than a person described in subsection (1) or (2), who is disabled temporarily for at least six months. R-018-2017,s.5.

4. **Repealed, R-029-96,s.1.**
5. **Repealed, R-029-96,s.1.**
6. **Repealed, R-029-96,s.1.**
7. **Repealed, R-029-96,s.1.**
8. **Repealed, R-029-96,s.1.**

Expenses Incidental to Education and Training

9. An allowance may be provided in accordance with the direction of the Director for the following expenses incidental to education or training:

- (a) transportation;
- (b) text books and supplies;
- (c) special clothing;
- (d) activity fees; and
- (e) tuition.

- 10. Repealed, R-017-98,s.4.**
- 11. Repealed, R-029-96,s.1.**

Household Furnishings and Equipment

- 12.** Where a recipient is operating a household, provision may be made for the purchase, repair or replacement of furnishings, equipment and supplies for the home such as bedding, towels, dishes, utensils and essential items of household furniture.
- 13. Repealed, R-029-96,s.1.**
- 14. Repealed, R-029-96,s.1.**
- 15. Repealed, R-029-96,s.1.**
- 16. Repealed, R-017-98,s.4.**

Damage Deposits

- 17.** (1) A damage deposit may be issued where it is essential to the provision of accommodation for a recipient.
- (2) The total amount of a payment under this section is recoverable from the landlord or the recipient.

Emergency Assistance

- 18.** Emergency assistance may be provided in accordance with the direction of the Director to a recipient where he or she is unable to sustain himself or herself and his or her dependants.

Day Care Subsidy Allowance

- 19.** A day care subsidy allowance may be provided in accordance with the direction of the Director. R-029-96,s.1; R-017-98,s.4.