

Reasons for Decision:

Order # AP1617-0633

The appellant appealed that the appellant's application for Rent Assist benefits was denied.

The appellant attended the hearing with an advocate. The appellant indicated that the appellant's income, as reported on the appellant's 2015 income tax return, was taken into consideration to assess the appellant's eligibility for Rent Assist. The appellant's income has drastically changed since last year and the appellant would like to be assessed on the appellant's current income. The appellant advised that the appellant has lived in the appellant's apartment for over <text removed> years. The appellant's rent has drastically increased and the appellant's monthly discount, from the appellant's property management firm, has been removed leaving very little to cover all of the appellant's expenses. The appellant advised that the appellant would like to find a place that is more reasonable but due to the appellant's health the appellant has a comfort cat, not registered as a service animal, which is restricting the appellant in being accepted in alternate housing. The appellant advised the Board of the appellant's medical issues and the appellant's financial struggles including having to use food banks and is just asking for some assistance so the appellant can maintain a safe and affordable place to live.

The advocate advised that the advocate works with older adults who are finding it increasingly difficult to find good safe affordable housing, and continues to advocate to help make sure these adults don't end up in unacceptable living accommodations.

The program reported that they received the appellant's application on <date removed>. The application was assessed using the income reported on the appellant's income tax return. In accordance with the Manitoba Assistance Regulations, an application that is received in the first six months of the year (January to June) will be processed based on the income for the second preceding calendar year, and an application received in the last six months (July to December) will be processed based on the income for the previous calendar year. The annual net income of the appellant was <amount removed>. For a single person household, the annual net income must not exceed \$25,584. The program advised the appellant that the appellant can reapply in July 2017 when they will be assessing financial eligibility from the 2016 income tax returns.

Section 11.3.1 (1) of the Manitoba Assistance Regulations states:

Eligibility requirements

To be eligible to receive shelter assistance under this Part, a person must

- (a) have eligible rental accommodations as his or her primary residence; and
- (b) have an annual net income for his or her household that is less than
 - (i) \$25,584 in the case of a single-person household,

Section 11.1.1(2) of the Manitoba Assistance Regulations state states:

When an application for shelter assistance under this Part is made

- (a) in the first six months of a calendar year, a person's net income is to be determined based on the taxation year that ended on December 31 of the second preceding calendar year; and
- (b) in the last six months of a calendar year, a person's net income is to be determined based on the taxation year that ended on December 31 of the preceding calendar year.

After carefully considering the written and verbal information the Board has determined that the legislation does not allow the Rent Assist program any discretion in determining which year's income should be used when calculating eligibility for Rent Assist. Under the regulations the program must use the appellant's 2015 income to determine eligibility for Rent Assist benefits for an application received prior to July 1, 2016. As of July 1, 2017, the program may base eligibility on 2016 income. Although the Board sympathizes with the appellant's drastic increase in rent and reduction in income and how both have affected the appellant financially, there is no provision within the legislation for any adjustments to eligibility based on current circumstances.

The Board encourages the appellant to reapply in July 2017.

DISCLAIMER

These are electronic copies of the Reasons for Decision issued by the Social Services Appeal Board. These written reasons have been edited to protect the personal information of individuals by removing personal identifiers.