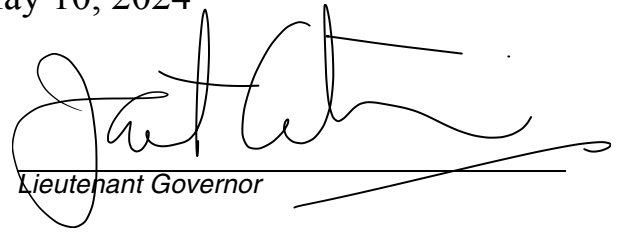


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 244

, Approved and Ordered May 10, 2024



Lieutenant Governor

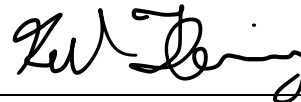
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) effective May 13, 2024,
 - (i) sections 4, 8 to 10 and 23 of the *Social Development and Poverty Reduction Statutes Amendment Act, 2024*, S.B.C. 2024, c. 4, are brought into force,
 - (ii) the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended as set out in the attached Schedule 1, and
 - (iii) the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended as set out in the attached Schedule 2, and
- (b) effective June 1, 2024,
 - (i) the Employment and Assistance Regulation is amended as set out in the attached Schedule 3, and
 - (ii) the Employment and Assistance for Persons with Disabilities Regulation is amended as set out in the attached Schedule 4.



Minister of Social Development and Poverty Reduction



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Social Development and Poverty Reduction Statutes Amendment Act, 2024*, S.B.C. 2024, c. 4, s. 41;
Employment and Assistance Act, S.B.C. 2002, c. 40, ss. 35 and 37;
Employment and Assistance for Persons with Disabilities Act, S.B.C. 2002, c. 41, ss. 26 and 27

Other:

R10778011

SCHEDULE 1

- 1 **Section 1 (1) of the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended in the definition of “alternate application for income assistance form” by striking out “same form as in section 33 [monthly reporting requirement]” and substituting “applicable form specified by the minister for the purpose of section 33 [reporting requirement]”.**
- 2 **Section 4.21 (2) is amended by striking out “same form as in section 33 [monthly reporting requirement]” and substituting “applicable form specified by the minister for the purpose of section 33 [reporting requirement]”.**
- 3 **Section 20 (2) (a) is repealed.**
- 4 **Section 26 (2.01) and (3.01) is amended by striking out “section 80” and substituting “section 80 (1)”.**
- 5 **Section 33 is repealed and the following substituted:**

Reporting requirements

- 33** (1) This section sets out reporting requirements for the purposes of section 11 [reporting requirements] of the Act.
- (2) Subject to subsection (3), a monthly report must be submitted to the minister in accordance with the following requirements:
- (a) the report must be submitted by the fifth day of each calendar month;
 - (b) the report must be in a form specified by the minister;
 - (c) the report must contain all of the following information:
 - (i) whether the family unit requires further assistance;
 - (ii) changes in the family unit’s assets;
 - (iii) all income received by the family unit and the source of that income;
 - (iv) the employment and educational circumstances of recipients in the family unit;
 - (v) changes in family unit membership or the marital status of a recipient;
 - (vi) any warrants described in section 15.2 (1) of the Act.
- (3) If the family unit includes a qualifying person within the meaning of section 66.1 of this regulation, subsection (2) of this section does not apply and the following reporting requirements apply instead:
- (a) a report must be submitted by the fifth day of the calendar month following the calendar month in which one or more of the following occur:
 - (i) a change described in paragraph (c) (i) to (v);
 - (ii) a family unit receives earned income referred to in paragraph (c) (vi);
 - (b) the report must be in a form specified by the minister;
 - (c) the report must contain all of the following information:

- (i) changes in the family unit's assets;
 - (ii) changes in income received by the family unit and the source of that income;
 - (iii) changes in the employment and educational circumstances of a recipient in the family unit;
 - (iv) changes in family unit membership or the marital status of a recipient;
 - (v) changes in respect of warrants described in section 15.2 (1) of the Act;
 - (vi) the amount of earned income received by the family unit in the calendar month and the source of that income.
- (4) If there is a change in a family unit's circumstances that is not disclosed in a report submitted under subsection (2) or (3), and if the change could affect the eligibility of the family unit to receive income assistance or hardship assistance, a report must be submitted by the fifth day of the calendar month following the calendar month in which the change occurs.
- (5) The accuracy of information provided in each report under this section must be confirmed by a signed statement of each recipient in the family unit.

6 Section 79 is amended

- (a) in subsection (1) by striking out “deliver” and substituting “make” and by striking out “to the ministry office where the person is applying for or receiving assistance”,**
- (b) in subsection (2) by striking out “delivered” and substituting “received by the minister” and by striking out everything after “of the Act”, and**
- (c) by adding the following subsection:**
 - (3) Despite subsection (2), the minister may extend the time limit set out in that subsection if the minister is satisfied that special circumstances exist.

7 Section 80 is amended

- (a) by renumbering the section as section 80 (1),**
- (b) in subsection (1) by striking out “The minister” and substituting “Subject to subsection (2), the minister”, by striking out “mail” and substituting “send” and by striking out “delivered” and substituting “made”, and**
- (c) by adding the following subsection:**
 - (2) The time limit set out in subsection (1) (a) or (b), as applicable, may be extended by the minister by one business day if the person who made the request under section 79 (1) provides additional information to the minister
 - (a) after the date on which the request was made, and
 - (b) before the minister makes a determination under subsection (1) of this section.

8 *Section 83 is repealed.*

9 *Section 84 is amended*

(a) *by renumbering the section as section 84 (1),*

(b) *in subsection (1) by striking out “chair of the”, and*

(c) *by adding the following subsections:*

(2) The appeal form referred to in subsection (1) must be received by the tribunal within 20 business days after the date the person is notified of the decision in respect of which the appeal is made.

(3) Despite subsection (2), the chair of the tribunal may extend the time limit set out in that subsection if the chair is satisfied that special circumstances exist.

10 *Sections 86 (f) and 93 to 95 are repealed.*

SCHEDULE 2

1 *Section 1 (1) of the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended in the definition of “alternate application for disability assistance form” by striking out “same form as in” and substituting “applicable form specified by the minister for the purpose of”.*

2 *Section 4.21 (2) is amended by striking out “same form as in” and substituting “applicable form specified by the minister for the purpose of”.*

3 *Section 17 (2) (a) is repealed.*

4 *Section 23 (3.01) and (3.11) is amended by striking out “section 72” and substituting “section 72 (1)”.*

5 *Section 29 is repealed and the following substituted:*

Reporting requirement

29 (1) This section sets out reporting requirements for the purposes of section 11 [reporting requirements] of the Act.

(2) A report must be submitted to the minister in accordance with the following requirements:

(a) a report must be submitted by the fifth day of the calendar month following the calendar month in which one or more of the following occur:

(i) a change described in paragraph (c) (i) to (v);

(ii) a family unit receives earned income referred to in paragraph (c) (vi);

(iii) a family unit receives unearned income that is compensation paid under section 191 [temporary total disability] or 192 [temporary partial disability] of the Workers Compensation Act, as described in paragraph (c) (vii);

- (b) the report must be in a form specified by the minister;
- (c) the report must contain all of the following information:
 - (i) changes in the family unit's assets;
 - (ii) changes in income received by the family unit and the source of that income;
 - (iii) changes in the employment and educational circumstances of a recipient in the family unit;
 - (iv) changes in family unit membership or the marital status of a recipient;
 - (v) changes in respect of warrants described in section 14.2 (1) of the Act;
 - (vi) the amount of earned income received by the family unit in the calendar month and the source of that income;
 - (vii) the amount of unearned income that is compensation paid under section 191 or 192 of the *Workers Compensation Act* and that is received by the family unit in the calendar month.
- (3) If there is a change in a family unit's circumstances that is not disclosed in a report submitted under subsection (2), and if the change could affect the eligibility of the family unit to receive disability assistance or hardship assistance, a report must be submitted by the fifth day of the calendar month following the calendar month in which the change occurs.
- (4) The accuracy of information provided in each report under this section must be confirmed by a signed statement of each recipient in the family unit.

6 Section 71 is amended

- (a) *in subsection (1) by striking out "deliver" and substituting "make" and by striking out "to the ministry office where the person is applying for or receiving assistance",*
- (b) *in subsection (2) by striking out "delivered" and substituting "received by the minister" and by striking out everything after "of the Act", and*
- (c) *by adding the following subsection:*
 - (3) Despite subsection (2), the minister may extend the time limit set out in that subsection if the minister is satisfied that special circumstances exist.

7 Section 72 is amended

- (a) *by renumbering the section as section 72 (1),*
- (b) *in subsection (1) by striking out "The minister" and substituting "Subject to subsection (2), the minister", by striking out "mail" and substituting "send" and by striking out "delivered" and substituting "made", and*
- (c) *by adding the following subsection:*

- (2) The time limit set out in subsection (1) (a) or (b), as applicable, may be extended by the minister by 1 business day if the person who made the request under section 71 (1) provides additional information to the minister
- (a) after the date on which the request was made, and
 - (b) before the minister makes a determination under subsection (1) of this section.

8 *Sections 78 to 80 are repealed.*

SCHEDULE 3

1 *Section 7 of the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended*

- (a) *in subsection (1) by adding “ordinarily resident in British Columbia and must be” after “family unit must be”, and*
- (b) *in subsection (2) by adding “ordinarily resident in British Columbia and who is” after “family unit who is”.*

2 *Section 7.1 (1) is amended*

- (a) *by striking out “the requirement under that section” and substituting “any of paragraphs (a) to (g) of that subsection”, and*
- (b) *by adding the following paragraph:*
 - (a.1) the applicant or recipient is ordinarily resident in British Columbia; .

3 *Section 17 is amended by striking out “The family unit of a recipient” and substituting “A recipient” and by striking out “a total of 30 days in a year” and substituting “30 consecutive days”.*

SCHEDULE 4

1 *Section 6 of the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended*

- (a) *in subsection (1) by adding “ordinarily resident in British Columbia and must be” after “family unit must be”, and*
- (b) *in subsection (2) by adding “ordinarily resident in British Columbia and who is” after “family unit who is”.*

2 *Section 6.1 (1) is amended*

- (a) *by striking out “the requirement under that section” and substituting “any of paragraphs (a) to (g) of that subsection”, and*
- (b) *by adding the following paragraph:*

(a.1) the applicant or recipient is ordinarily resident in British Columbia; .

3 *Section 15 is amended by striking out “The family unit of a recipient” and substituting “A recipient” and by striking out “a total of 30 days in a year” and substituting “30 consecutive days”.*