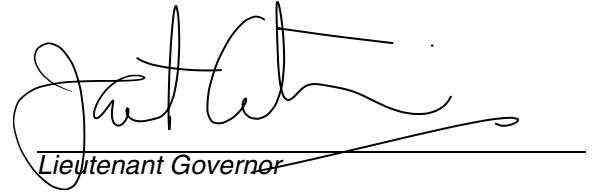


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 455

, Approved and Ordered July 8, 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 August 1, 2024,
 - (i) the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended as set out in the attached Appendix 1, and
 - (ii) the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended as set out in the attached Appendix 2, and
- (b) effective September 1, 2024,
 - (i) sections 1 to 3, 5 to 7, 13, 14, 20 to 22, 24, 25, 28 and 29 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 Appendix 3, and
 - (iii) the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended as set out in the attached Appendix 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, s. 35;
Employment and Assistance for Persons with Disabilities Act, S.B.C. 2002, c. 41, s. 26.

Other: OIC 873/2002 and OIC 874/2002

R10793417

APPENDIX 1

1 Section 1 (1) of the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended by adding the following definition:

“recurring supplement” means a supplement under any of the following provisions:

- (a) section 56.2 [*pre-natal shelter supplement*];
- (b) section 61 [*supplement for delayed, suspended or cancelled family bonus*];
- (c) section 61.1 [*supplement for delayed, suspended or cancelled Canada child benefit*];
- (d) section 62 [*guide dog or service dog supplement*];
- (e) section 67 [*general health supplements*], as it relates to supplements described in section 2 (1) (f) or (3) of Schedule C;
- (f) section 73 [*diet supplement*];
- (g) section 75 [*natal supplement*];
- (h) section 77 [*supplement for alcohol or drug treatment*];
- (i) section 77.7 [*housing stability supplement*]; .

2 Sections 2.1 (3), 2.2 (3), 2.3 (4), 2.4 (3), 2.6 (3) and 2.7 (3) are amended by striking out “section 28 (b)” and substituting “section 28 (1) (b)”.

3 Section 10 (2) is repealed and the following substituted:

- (2) A family unit is not eligible for income assistance if the net income of the family unit determined under Schedule B equals or exceeds the sum of the following:
 - (a) the amount of income assistance determined under Schedule A for a family unit matching that family unit;
 - (b) if the family unit includes a person who was a recipient in the previous calendar month, the total amount of recurring supplements that a family unit matching that family unit would be eligible to receive.

4 Section 11 is amended

(a) in subsection (1) by adding the following paragraphs:

- (b.1) any income earned by a dependent child;
- (c.1) money received from the sale of a family unit’s place of residence, during the exemption period described in subsection (1.2);
- (dd.1) payments granted by the government of British Columbia under an agreement referred to in section 12.4 of the *Child, Family and Community Service Act*;
- (ppp) money that is paid or payable to or for an injured person in relation to the injury if
 - (i) the money is paid or payable for the purpose of covering expenses that are necessary only because of the injury, or

- (ii) the money is not paid or payable for a specific purpose and the minister is satisfied that the money will be used to cover expenses that are necessary only because of the injury. , **and**

(b) by adding the following subsection:

- (1.2) The exemption under subsection (1) (c.1) applies to
 - (a) the calendar month in which a person receives the money referred to in that subsection and the 3 subsequent calendar months, and
 - (b) if the minister is satisfied that the person is making reasonable efforts to purchase another primary residence for the family unit, one or more further calendar months approved by the minister.

5 Section 28 is repealed and the following substituted:

Amount of income assistance

- 28** (1) Income assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than the difference between
- (a) the amount determined under Schedule A, and
 - (b) the adjusted net income of the family unit determined under subsection (2).
- (2) The adjusted net income of a family unit for the purposes of subsection (1) (b) is the following amount:
- (a) if the family unit includes a person who was a recipient in the previous calendar month, the greater of zero and the difference between
 - (i) the net income of the family unit determined under Schedule B, and
 - (ii) the total amount of recurring supplements that the family unit is eligible to receive;
 - (b) in any other case, the net income of the family unit determined under Schedule B.

6 The following Division is added to Part 5:

Division 0.1 – Supplements – General

Recurring supplements – limits on income

- 47.4** (1) The total amount of recurring supplements that may be provided to or for a family unit that includes a person who was a recipient in the previous calendar month may not exceed the difference between
- (a) the total amount of recurring supplements that the family unit is eligible to receive, and
 - (b) the net income of the family unit.
- (2) For the purposes of subsection (1) (b), the net income of a family unit is the following:
- (a) if the family unit is eligible for income assistance, the net income of the family unit determined under Schedule B;

- (b) if the family unit is eligible for hardship assistance, the net income of the family unit determined for the purposes of section 2 (1) of Schedule D.

7 Section 77.7 is amended

(a) by repealing subsection (1) (a) and (b) and substituting the following:

- (a) a deceased person who was part of the family unit;
- (b) a specified person who is part of the family unit. , **and**

(b) by adding the following subsection:

- (1.1) A supplement under this section may be provided on account of a person for any of the following calendar months:
 - (a) the calendar month the person dies or becomes a specified person, as applicable;
 - (b) the calendar month immediately after the calendar month referred to in paragraph (a);
 - (c) a subsequent calendar month, if the family unit has been eligible for income assistance, disability assistance or hardship assistance for each calendar month after the calendar month referred to in paragraph (a).

8 Schedule A is amended in the heading and in sections 1 (1), 6 (1), 7 (1) and 8 (2) by striking out “section 28 (a)” and substituting “section 28 (1) (a)”.

9 Schedule B is amended in the heading and in section 1 by striking out “section 28 (b)” and substituting “section 28 (1) (b)”.

10 Section 1 (a) is amended

(a) in subparagraph (i) by striking out “attending school on a full-time basis”, and

(b) by adding the following subparagraphs:

- (iii.1) money received from the sale of a family unit’s place of residence;
- (xxiv.1) payments granted by the government of British Columbia under an agreement referred to in section 12.4 of the *Child, Family and Community Service Act*;
- (lxvi) money that is paid to or for an injured person in relation to the injury if
 - (A) the money is paid for the purpose of covering expenses that are necessary only because of the injury, or
 - (B) the money is not paid for a specific purpose and the minister is satisfied that the money will be used to cover expenses that are necessary only because of the injury.

11 Section 2 of Schedule D is amended

(a) in subsection (1) (b) (i) by adding “adjusted” before “net income”,

(b) by adding the following subsection:

- (1.1) The adjusted net income of a family unit for the purposes of subsection (1) (b) (i) is the following amount:
- (a) if the family unit includes a person who was a recipient in the previous calendar month, the greater of zero and the difference between
 - (i) the net income of the family unit, and
 - (ii) the total amount of recurring supplements that the family unit is eligible to receive;
 - (b) in any other case, the net income of the family unit. , **and**
- (c) **in subsection (6) by striking out “In subsection (1)” and substituting “In subsections (1) and (1.1)”.**

12 Section 6 is amended

- (a) **in paragraph (a) by striking out “attending school on a full-time basis”, and**
- (b) **by adding the following paragraphs:**
- (w.1) payments granted by the government of British Columbia under an agreement referred to in section 12.4 of the *Child, Family and Community Service Act*;
 - (nnn) money that is paid or payable to or for an injured person in relation to the injury if
 - (i) the money is paid or payable for the purpose of covering expenses that are necessary only because of the injury, or
 - (ii) the money is not paid or payable for a specific purpose and the minister is satisfied that the money will be used to cover expenses that are necessary only because of the injury.

APPENDIX 2

1 Section 1 (1) of the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended by adding the following definition:

- “recurring supplement”** means a supplement under any of the following provisions:
- (a) section 54.3 [*pre-natal shelter supplement*];
 - (b) section 59 [*supplement for delayed, suspended or cancelled family bonus*];
 - (c) section 59.1 [*supplement for delayed, suspended or cancelled Canada child benefit*];
 - (d) section 60 [*guide dog or service dog supplement*];
 - (e) section 62 [*general health supplements*], as it relates to supplements described in section 2 (1) (f) or (3) of Schedule C;
 - (f) section 66 [*diet supplement*];
 - (g) section 68 [*natal supplement*];
 - (h) section 70 [*supplement for alcohol or drug treatment*];

(i) section 70.6 [*housing stability supplement*]; .

2 *Sections 2.01 (3), 2.02 (3), 2.03 (4), 2.04 (3), 2.06 (3) and 2.07 (3) are amended by striking out “section 24 (b)” and substituting “section 24 (1) (b)”.*

3 *Section 9 (2) is repealed and the following substituted:*

(2) A family unit is not eligible for disability assistance if the net income of the family unit determined under Schedule B equals or exceeds the sum of the following:

- (a) the amount of disability assistance determined under Schedule A for a family unit matching that family unit;
- (b) if the family unit includes a person who was a recipient in the previous calendar month, the total amount of recurring supplements that a family unit matching the family unit would be eligible to receive.

4 *Section 10 is amended*

(a) in subsection (1) by adding the following paragraphs:

- (b.1) any income earned by a dependent child;
- (c.1) money received from the sale of a family unit’s place of residence, during the exemption period described in subsection (1.2);
- (dd.1) payments granted by the government of British Columbia under an agreement referred to in section 12.4 of the *Child, Family and Community Service Act*;
- (ooo) money that is paid or payable to or for an injured person in relation to the injury if
 - (i) the money is paid or payable for the purpose of covering expenses that are necessary only because of the injury, or
 - (ii) the money is not paid or payable for a specific purpose and the minister is satisfied that the money will be used to cover expenses that are necessary only because of the injury. , **and**

(b) by adding the following subsection:

- (1.2) The exemption under subsection (1) (c.1) applies to
 - (a) the calendar month in which a person receives the money referred to in that subsection and the 3 subsequent calendar months, and
 - (b) if the minister is satisfied that the person is making reasonable efforts to purchase another primary residence for the family unit, one or more further calendar months approved by the minister.

5 *Section 24 is repealed and the following substituted:*

Amount of disability assistance

- 24** (1) Disability assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than the difference between
- (a) the amount determined under Schedule A, and

- (b) the adjusted net income of the family unit determined under subsection (2).
- (2) The adjusted net income of a family unit for the purposes of subsection (1) (b) is the following amount:
 - (a) if the family unit includes a person who was a recipient in the previous calendar month, the greater of zero and the difference between
 - (i) the net income of the family unit determined under Schedule B, and
 - (ii) the total amount of recurring supplements that the family unit is eligible to receive;
 - (b) in any other case, the net income of the family unit determined under Schedule B.

6 *The following Division is added to Part 5:*

Division 0.1 – Supplements – General

Recurring supplements – limits on income

- 42.3** (1) The total amount of recurring supplements that may be provided to or for a family unit that includes a person who was a recipient in the previous calendar month may not exceed the difference between
- (a) the total amount of recurring supplements that the family unit is eligible to receive, and
 - (b) the net income of the family unit.
- (2) For the purposes of subsection (1) (b), the net income of a family unit is the following:
- (a) if the family unit is eligible for disability assistance, the net income of the family unit determined under Schedule B;
 - (b) if the family unit is eligible for hardship assistance, the net income of the family unit determined for the purposes of section 2 (1) of Schedule D.

7 *Section 70.6 is amended*

(a) by repealing subsection (1) (a) and (b) and substituting the following:

- (a) a deceased person who was part of the family unit;
- (b) a specified person who is part of the family unit. , **and**

(b) by adding the following subsection:

- (1.1) A supplement under this section may be provided on account of a person for any of the following calendar months:
- (a) the calendar month the person dies or becomes a specified person, as applicable;
 - (b) the calendar month immediately after the calendar month referred to in paragraph (a);

(c) a subsequent calendar month, if the family unit has been eligible for disability assistance, income assistance or hardship assistance for each calendar month after the calendar month referred to in paragraph (a).

8 *Schedule A is amended in the heading and in sections 1 (1), 6 (1), 7 (1) and 8 (2) by striking out “section 24 (a)” and substituting “section 24 (1) (a)”.*

9 *Schedule B is amended in the heading and in section 1 by striking out “section 24 (b)” and substituting “section 24 (1) (b)”.*

10 *Section 1 (a) is amended*

(a) in subparagraph (i) by striking out “attending school on a full-time basis”, and

(b) by adding the following subparagraphs:

(iii.1) money received from the sale of a family unit’s place of residence;

(xxv.1) payments granted by the government of British Columbia under an agreement referred to in section 12.4 of the *Child, Family and Community Service Act*;

(lxx) money that is paid to or for an injured person in relation to the injury if

(A) the money is paid for the purpose of covering expenses that are necessary only because of the injury, or

(B) the money is not paid for a specific purpose and the minister is satisfied that the money will be used to cover expenses that are necessary only because of the injury.

11 *Section 2 of Schedule D is amended*

(a) in subsection (1) (b) (i) by adding “adjusted” before “net income”,

(b) by adding the following subsection:

(1.1) The adjusted net income of a family unit for the purposes of subsection (1) (b) (i) is the following amount:

(a) if the family unit includes a person who was a recipient in the previous calendar month, the greater of zero and the difference between

(i) the net income of the family unit, and

(ii) the total amount of recurring supplements that the family unit is eligible to receive;

(b) in any other case, the net income of the family unit. , *and*

(c) in subsection (6) by striking out “In subsection (1)” and substituting “In subsections (1) and (1.1)”.

12 *Section 6 is amended*

(a) in paragraph (a) by striking out “attending school on a full-time basis”, and

(b) by adding the following paragraphs:

- (x.1) payments granted by the government of British Columbia under an agreement referred to in section 12.4 of the *Child, Family and Community Service Act*;
- (rrr) money that is paid or payable to or for an injured person in relation to the injury if
 - (i) the money is paid or payable for the purpose of covering expenses that are necessary only because of the injury, or
 - (ii) the money is not paid or payable for a specific purpose and the minister is satisfied that the money will be used to cover expenses that are necessary only because of the injury.

APPENDIX 3

1 Section 4.2 (1) (e) of the Employment and Assistance Regulation, B.C. Reg. 263/2002, is repealed and the following substituted:

- (e) client needs assessments and employability plans, .

2 Section 16 (1.2) (b) is amended by striking out “employment plan” and substituting “employability plan”.

3 The heading to Division 1 of Part 3 is repealed and the following substituted:

**Division 1 – Factors Related to Client
Needs Assessments and Employability Plans .**

4 Section 29 is amended

(a) by repealing subsections (1) to (3) and substituting the following:

- (1) The following consequences are prescribed for the purposes of section 13 (1) [*consequences of not meeting specified obligations*] of the Act for a family unit:
 - (a) a reduction of \$50, for each recipient in the family unit who is in a circumstance described in section 13 (1) of the Act, in the amount of income assistance or hardship assistance, as applicable, that is provided to or for the family unit for a calendar month;
 - (b) if a consequence under paragraph (a) of this subsection is imposed for at least 6 consecutive calendar months in relation to the same recipient and circumstance, a declaration that the recipient is ineligible for assistance. ,

(b) in subsection (4) by striking out “Section 13 [*consequences of not meeting employment-related obligations*] of the Act” and substituting “Subsection (1)” and by striking out “a family unit of an applicant or recipient” and substituting “a family unit of a recipient”,

(c) in subsection (4) (b), (d), (j) and (k) by striking out “sole applicants or sole recipients” and substituting “sole recipients” and by striking out “the sole applicant or recipient” and substituting “the sole recipient”,

(d) in subsection (4) (f) and (h) by striking out “applicants or recipients” wherever it appears and substituting “recipients”,

(e) in subsection (4) by adding the following paragraph:

- (1) recipients who the minister is satisfied are homeless or at imminent risk of becoming homeless. , **and**

(f) by adding the following subsection:

- (5) Subsection (1) (b) does not apply to a family unit that includes
 - (a) a dependent child, or
 - (b) a recipient who is providing care to a supported child.

5 Section 30 is repealed.

6 Sections 32 (2) and 32.1 are repealed.

7 Section 56 is amended

(a) in subsections (1) and (2) by striking out “an applicant,” and by striking out “employment plan” and substituting “employability plan”, and

(b) in subsection (3) by striking out “an applicant, recipient” and substituting “a recipient” and by striking out “the applicant, recipient” and substituting “the recipient”.

8 Section 59 (1) (b) is repealed and the following substituted:

- (b) the minister considers that failure to meet the expense or obtain the item will result in imminent danger to the health of any person in the family unit.

9 Section 81 (1) (c) is amended by striking out “employment plans” and substituting “employability plans”.

10 Section 3.9 in Schedule C is amended

(a) in subsection (1) by adding the following paragraphs:

- (a.1) if all of the requirements set out in subsection (2) of this section are met and the minister is satisfied that a patient is intolerant to a positive airway pressure device, a mandibular advancement device;
- (d.1) if the minister is satisfied that the item is medically essential for clearing respiratory airways,
 - (i) a cough assist device,
 - (ii) an accessory that is required to operate a cough assist device, or
 - (iii) a supply that is required to operate a cough assist device; ,

(b) in subsection (2) by striking out “subsection (1) (a)” and substituting “subsection (1) (a) or (a.1)”;

(c) in subsection (3) (a) by adding “or (a.1)” after “subsection (1) (a) (i)”, and

(d) in subsection (3) (c) by adding “cough assist device,” after “percussor,”.

APPENDIX 4

1 *Section 4.2 (1) (e) of the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is repealed and the following substituted:*

(e) client needs assessments and employability plans, .

2 *Division 1 of Part 3 is repealed.*

3 *Sections 28 (2) and 28.1 are repealed.*

4 *Section 54 is amended*

(a) in subsections (1) and (2) by striking out “an applicant,” and by striking out “employment plan” and substituting “employability plan”, and

(b) in subsection (3) by striking out “an applicant, recipient” and substituting “a recipient” and by striking out “the applicant, recipient” and substituting “the recipient”.

5 *Section 57 (1) (b) is repealed and the following substituted:*

(b) the minister considers that failure to meet the expense or obtain the item will result in imminent danger to the health of any person in the family unit.

6 *Section 73 (1) (c) is amended by striking out “employment plans” and substituting “employability plans”.*

7 *Section 3.9 in Schedule C is amended*

(a) in subsection (1) by adding the following paragraphs:

(a.1) if all of the requirements set out in subsection (2) of this section are met and the minister is satisfied that a patient is intolerant to a positive airway pressure device, a mandibular advancement device;

(d.1) if the minister is satisfied that the item is medically essential for clearing respiratory airways,

(i) a cough assist device,

(ii) an accessory that is required to operate a cough assist device, or

(iii) a supply that is required to operate a cough assist device; ,

(b) in subsection (2) by striking out “subsection (1) (a)” and substituting “subsection (1) (a) or (a.1)”;

(c) in subsection (3) (a) by adding “or (a.1)” after “subsection (1) (a) (i)”, and

(d) in subsection (3) (c) by adding “cough assist device,” after “percussor,”.