

Reasons for Decision:

Order # AP1819-0060

On <date removed>, <name removed> filed an appeal against the Department's calculation of their Rent Assist benefit.

The Department stated that, according to the Regulations, Rent Assist is based on the net income of every person living in a household. The definition of net income is the same as in *The Income Tax Act*. According to the Regulations, the net income to be used in calculating eligibility is the net income on the tax return in the second preceding year when an application is filed prior to July 1, and the net income on the tax return in the preceding year when an application is filed after July 1.

The Department stated the <name removed> had no net income in <year removed>, and received the maximum benefit for the <years removed> benefit period. <name removed> reported approximately <amount removed> in net income in <year removed>, and their <years removed> Rent Assist Benefit was reduced consistent with the formula set out in the Regulation.

The Department stated the calculations are performed by a computer algorithm, and there is no provision for in-year adjustments to income.

At the hearing, <name removed> stated they had not worked in recent months, and was now starting employment on a casual basis. The appellant stated the reduced amount provided by Rent Assist is not sufficient for their family's needs.

<name removed> asked for clarification about the use of median market rent in the benefit formula. The Department stated the program is not based on individual rent paid, but on median rents, which vary by family composition and locality. The program also sets a minimum amount of rent that has to be paid. The median market rent and the minimum rent amount are non-discretionary variables in the calculation.

The Department stated <name removed> should be eligible for the Universal Child Benefit, the Canada Child Benefit, the Manitoba Child Benefit and Rent Assist. These programs are designed to assist people in <name removed>'s circumstances.

After careful consideration of the written and verbal evidence submitted to it, the Board determined that the Department assessed <name removed>'s application correctly according to the legislation and regulations, and that there is no provision in the legislation for discretion. The Board confirmed the Director's decision establishing the Rent Assist benefit.

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.