



Province of Alberta

## ALBERTA HOUSING ACT

# **SOCIAL HOUSING ACCOMMODATION REGULATION**

### **Alberta Regulation 244/1994**

With amendments up to and including Alberta Regulation 145/2017

### Office Consolidation

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(Consolidated up to 145/2017)

**ALBERTA REGULATION 244/94**

**Alberta Housing Act**

**SOCIAL HOUSING ACCOMMODATION REGULATION**

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**Interpretation and Application****Interpretation and application****1(1)** In this Regulation,

- (a) “Act” means the *Alberta Housing Act*;
- (b) “adequate” means not in need of major repair or not lacking necessary services and facilities;
- (c) “adjusted income” means, in respect of a household, or individual, the total annual income of the household, or individual less any amounts deducted under subsection (3);
- (d) “assets” means all property including cash and liquid assets, but does not include the assets referred to in subsection (4);
- (e) “basic rent” means the monthly rent for social housing accommodation and full services;
- (f) “dependant” means
  - (i) an individual who is 25 years of age or less and is related by blood, adoption or marriage or by virtue of an adult interdependent relationship to another member of the household, or
  - (ii) a member of the household who is considered to be a dependant, as defined under section 118(6) of the *Income Tax Act* (Canada), of another member of the household;
- (g) “full services” means necessary services and facilities including heat, water, sewer or a septic system, a stove and a refrigerator, but does not include electricity;
- (h) “functionally independent” means physically and mentally self-sufficient;
- (i) “household” means an individual who is applying for or occupying social housing accommodation, including the following, if any:

- (i) the spouse or adult interdependent partner of the applicant or occupant;
- (ii) an individual, related by blood, adoption or marriage, or by virtue of an adult interdependent relationship, or who is known to have lived regularly as a member of the household as part of the family unit;
- (iii) the dependants who are living with the applicant or occupant, including any dependants of whom the applicant or occupant has joint or sole custody;
- (iv) an individual considered by the management body to be a member of the household under subsection (2);
- (v) a live-in aide;
- (i.1) “live-in aide” means an individual who, in the opinion of the management body, is required to live as a member of the household to provide services or assistance to enable other members of the household to be functionally independent;
- (j) “management body” means a management body established under the Act for the purpose of providing social housing accommodation under this Regulation;
- (j.1) “self-employment income” means the total annual gross income from business or self-employment before any personal income tax deductions or deductions for capital cost allowance or depreciation but after deducting the following expenses and allowances related directly to that income:
  - (i) accounting and legal expenses;
  - (ii) advertising expenses;
  - (iii) business tax, fees, licences, dues;
  - (iv) insurance expenses;
  - (v) interest, bank charges;
  - (vi) maintenance and repairs expenses;
  - (vii) motor vehicle expenses (except capital cost allowance);
  - (viii) office expenses;
  - (ix) salaries (including employer’s contributions);

- (x) expenses related to computers and equipment;
- (xi) other charges claimed as expenses or allowances for the purposes of determining the annual net taxable business or self-employment income of the individual;
- (k) “senior household” means a household comprised of individuals referred to in clause (i)(i) and (ii), one or more of whom are
  - (i) 65 years of age or older, or
  - (ii) less than 65 years of age with special circumstances appropriate to the social housing accommodation for which application is being made;
- (l) “social allowance” means any full or partial payment received under the *Income Support, Training and Health Benefits Regulation* (AR 122/2011) and any payment under a social assistance program of the Government of Canada;
- (m) “social housing accommodation” means a housing or lodge accommodation provided under Part 3;
- (n) “total annual income” means
  - (i) in the case of a household other than a senior household, the total gross income, including self-employment income from all sources of all members of the household 15 years of age or older, except income of a live-in aide,
  - (ii) in the case of a senior household, except where subclause (iii) or (iv) applies, the total income of all members of the senior household, each of whose income is
    - (A) the total income shown on line 150 of the Notice of Assessment in respect of the income tax return filed by the member under the *Income Tax Act* (Canada) for the immediately preceding taxation year, or
    - (B) if a Notice of Assessment is not available for the immediately preceding taxation year, the amount that is determined and verified by the management body using the same income information that would have been used by the member to report total income on line 150 of an

income tax return for the immediately preceding taxation year,

- (iii) in the case of a senior household that includes or is comprised of 2 individuals who are the spouse or adult interdependent partner of one another, one of whom is 65 years of age or older, and those 2 individuals have not jointly elected to split pension income, the total income of all members of the senior household determined in accordance with subclause (ii), and
- (iv) in the case of a senior household that includes or is comprised of 2 individuals who are the spouse or adult interdependent partner of one another, one of whom is 65 years of age or older, and those 2 individuals have jointly elected to split pension income, the sum of
  - (A) the amount shown on line 150 less the amount shown on line 210 of the Notice of Assessment in respect of the income tax return filed under the *Income Tax Act* (Canada) by the individual who is receiving the pension, and
  - (B) the amount shown on line 150 of the Notice of Assessment in respect of the income tax return filed under the *Income Tax Act* (Canada) by the other individual,

where the amount deducted on line 210 of the Notice of Assessment of the individual who is receiving the pension and the amount claimed on line 116 of the other individual's Notice of Assessment are the same,

but does not include a payment or refund directly or indirectly from the Government of Alberta or the Government of Canada designated by the Minister as a payment or refund to which this clause applies.

**(2)** For the purpose of determining the eligibility and the priority of need of a household for social housing accommodation, the management body may consider any individual as a member of that household who is usually a member of the household, but is temporarily absent by reason of

- (a) military service,
- (b) hospitalization,

- (c) employment,
- (d) school attendance, or
- (e) other special circumstances.

**(3)** For the purpose of determining the adjusted income of a household or an individual, the following are to be deducted from total annual income:

- (a) a child tax benefit under the *Income Tax Act* (Canada);
- (b) payment of the family employment tax credit under the *Alberta Income Tax Act*;
- (c) a goods and services tax credit received from the Government of Canada;
- (d) a payment made under a Government of Alberta program for the basic or extraordinary maintenance costs of an individual for whom the household or a member of the household is providing or is responsible for providing care;
- (e) any payments received from the Government of Alberta for care of a foster child;
- (f) any withdrawals from registered retirement savings plans or registered retirement income funds;
- (g) all or any portion of an annuity payment comprising principal;
- (h) any lump-sum insurance settlement, inheritance, compensation for loss or damage to person or property, including Canada Pension Plan death benefits, sale of real or personal property, or any other form of lump-sum settlement except for lump-sum employment settlements;
- (i) any repayable loans obtained for any member of the household for the purposes of education, including loans obtained under a federal or provincial student loan program;
- (j) any funds received as a scholarship, bursary or other form of contribution received from a person who is not a member of the household and used for educational purposes at a recognized school or educational institution;
- (k) where the household consists of



- (i) two or more adults who receive income from any source, and
- (ii) one or more dependent children,  
an amount not exceeding \$1200 each year of the income from any source of one of those adults;
- (l) where the household consists of
  - (i) only one adult and that adult is receiving income from any source, and
  - (ii) one or more dependent children,  
an amount not exceeding \$1200 each year of income from any source of that adult;
- (m) the gross employment income of each dependant who attends a recognized school or educational institution full-time;
- (n) any reimbursement of travelling and living expense received in the course of employment.
- (o), (p) repealed AR 116/2004 s2;
- (q) repealed AR 200/2006 s2.
- (4)** The following are not assets for the purposes of the definition of “assets”:
  - (a) necessary clothing;
  - (b) furniture, household furnishings and household appliances of a reasonable value;
  - (c) one tractor, if it is required for agricultural purposes or for the trade or calling of an individual;
  - (d) the equity in one or more motor vehicles to an amount not exceeding \$4000;
  - (e) a motor vehicle that is specially adapted to accommodate a disability of a member of the household;
  - (f) any assets of the household or a member of the household that are held by a trustee in bankruptcy under the *Bankruptcy and Insolvency Act* (Canada);

- (g) assets in pension funds, registered disability savings plans, registered education savings plans, registered retirement savings plans, or registered retirement income funds;
- (h) the books of a professional individual required in that individual's profession;
- (i) the necessary tools and necessary implements and equipment to the value of \$7500 used for the trade or calling of a member of the household;
- (j) a payment or refund, designated by the Minister, that is received, directly or indirectly, from the Government of Alberta or the Government of Canada;

(5) The Minister may exempt a management body, or any social housing operated and administered by a management body, from the application of any provision of this Regulation, subject to any terms and conditions the Minister considers appropriate.

AR 244/94 s1;408/94;219/95;238/96;40/97;35/98;202/98;  
256/2000;19/2001;154/2003;116/2004;261/2004;  
200/2006;114/2009;145/2017

## **Part 1**

### **Application for Social Housing Accommodation**

#### **Application**

**2(1)** A household may apply for social housing accommodation to the management body that provides the social housing accommodation.

**(2)** The application must be made in the form and manner required by the management body.

#### **Priority of need**

**3(1)** After determining a household's eligibility for social housing accommodation, a management body must determine the priority of need of the household

- (a) in accordance with Part 1 of Schedule A, or
- (b) in accordance with a method approved by the Minister.

**(2)** The management body may require a household to provide any information necessary to determine the priority of need for the household.

**Allocation of housing accommodation**

**4** A management body must allocate social housing accommodation in accordance with Part 2 of Schedule A or in a manner determined by the Minister.

**Income verification**

**5** A management body must verify the total annual and adjusted incomes of a household for all social housing accommodation, except lodge accommodation under section 11,

- (a) before the household is allocated social housing accommodation, and
- (b) at least once each year while the household is occupying social housing accommodation.

AR 244/94 s5;408/94

## **Part 2**

### **Setting of Basic Rent**

**Basic rent**

**6(1)** The basic rent charged a household for community housing accommodation and for seniors self-contained housing accommodation referred to in section 13(1) must be reviewed and set annually in accordance with Part 1 of Schedule B and in accordance with an annual rent review timetable, if any, established by the management body.

**(2)** Notwithstanding section 4(2)(f) of the *Housing Accommodation Tenancies Regulation* (AR 242/94) and in addition to reviews under subsection (1), the basic rent referred to in subsection (1)

- (a) may be increased to reflect a household's ability to pay only when there has been
  - (i) a misrepresentation of income or income not fully declared by the household,
  - (ii) a change in the composition of a household, or
  - (iii) a change as defined by the Minister,

and

- (b) must be reduced if the household's total annual income decreases by an amount established by the Minister.

(3) Where a management body that provides seniors self-contained housing accommodation referred to in section 13(1) has seniors self-contained housing accommodation that is suitable and adequate only for one individual, the management body may reduce the basic rent by an amount of not more than \$50 per month.

(4) The basic rent to be charged a household where one or more members of the household are in receipt of a social allowance or a grant from the Students Finance Board for full-time study in a basic foundation skills program must be determined in accordance with Part 2 of Schedule B.

(5) At no time may the basic rent charged a household be below the minimum basic rent prescribed in Part 1 or 2 of Schedule B, as the case may be.

(6) If a household includes a live-in aide, the rent prescribed under section 6.1 must be added to the basic rent set for and charged to the household under this section.

AR 244/94 6;408/94;219/95;202/98;136/2001;116/2004

#### **Rent for live-in aide**

**6.1** The rent to be charged a live-in aide is \$150 for each month.

AR 202/98 s4

#### **Refund of rent**

**6.2** If a member of a senior household in housing accommodation who is 65 years of age or older moves to a hospital, auxiliary hospital, nursing home or other facility as determined by the Minister and has paid a full month's basic rent, the management body must refund to that person a pro-rated portion of the basic rent for those days in the month that the person did not occupy the housing accommodation.

AR 261/2004 s3

#### **Additional costs**

**7(1)** A management body providing any full services separately from social housing accommodation may

- (a) identify and charge a household separate costs for those services or facilities, and
- (b) reduce the basic rent set for and charged to a household under section 6, by an amount equal to those separate costs,

but the basic rent charged a household may not be reduced to an amount below the minimum basic rent prescribed in the applicable Part of Schedule B.

**(2)** Where a management body provides any services or facilities in addition to the full services, and identifies and charges a household separate costs for those services or facilities,

- (a) the basic rent set for and charged to a household under section 6 may be increased by an amount equal to those separate costs, or
- (b) those separate costs may be charged to the household as costs in addition to basic rent.

### **Part 3**

## **Social Housing Accommodation**

#### **Interpretation**

**8(1)** In this Part, “income thresholds for the municipality” means the household income limits prescribed by the Minister.

**(2)** For the purposes of this Part, a household is in core housing need if

- (a) it is unable to acquire or maintain adequate or suitable accommodation without paying more than 30% of its total annual income for accommodation, and
- (b) it has a total annual income below the income threshold for the municipality where the social housing accommodation applied for is located and for which the household makes application.

**(3)** For the purposes of subsection (2)(a), accommodation is not suitable if

- (a) more than 2 persons must share a bedroom and there is at least one individual in each of the other bedrooms,
- (b) an individual, 18 years of age or older, must share a bedroom with another member of the household, unless the individual is the spouse or adult interdependent partner of that member, or
- (c) an individual, 5 years of age or older, must share a bedroom with an individual of the opposite sex.

AR 244/94 s8;219/95;154/2003;145/2017

### Community Housing Accommodation

#### Community housing accommodation eligibility

**9(1)** In this section, “community housing accommodation” means social housing accommodation not otherwise provided for under this Part.

**(2)** A household is eligible for community housing accommodation if that household

- (a) is in core housing need,
- (b) has a total asset value of \$7000 or less,
- (c) is comprised of Canadian citizens, individuals lawfully admitted into Canada for permanent residence, refugees sponsored by the Government of Canada, or individuals who have applied for refugee or immigration status and for whom private sponsorship has broken down, and
- (d) meets the residency requirements, if any, prescribed by the management body.

AR 244/94 s9;116/2004

### Seniors Lodge Accommodation

#### Lodge accommodation eligibility

**10(1)** A senior household is eligible for lodge accommodation if the senior household

- (a) is comprised of one or more individuals who
  - (i) are functionally independent, or
  - (ii) are functionally independent with the assistance of existing community based services and would not otherwise be appropriately provided for in a health care facility,
- (b) is comprised of Canadian citizens, individuals lawfully admitted into Canada for permanent residence, refugees sponsored by the Government of Canada, or individuals who have applied for refugee or immigration status and for whom private sponsorship has broken down, and
- (c) meets the eligibility requirements, if any, of the management body.

**(2)** Repealed AR 238/96 s3.

AR 244/94 s10;408/94;238/96;116/2004

**Basic lodge rate**

**11** The basic lodge rate for lodge accommodation shall be determined and set by the management body at least annually in accordance with Schedule D.

AR 244/94 s11;408/94

**Refund of lodge rate**

**11.1** If a member of a senior household in lodge accommodation who is 65 years of age or older moves to a hospital, auxiliary hospital, nursing home or other facility as determined by the Minister and has paid a full month's lodge rate, the management body must refund to that person a pro-rated portion of the lodge rate for those days in the month that the person did not occupy the lodge accommodation.

AR 261/2004 s4

**Additional costs**

**12** In addition to the basic lodge rate referred to in section 11, a management body may impose a charge for any services or facilities provided to a senior household in addition to lodge accommodation.

AR 244/94 s12;408/94;116/2004

**Seniors Self-contained Housing Accommodation****Self-contained accommodation**

**13(1)** In this section, "seniors self-contained housing accommodation" means any type of housing accommodation, with full services, intended to be used as a domicile by one or more senior households.

**(2)** A senior household is eligible for seniors self-contained housing accommodation if that household

- (a) is in core housing need,
- (b) is
  - (i) functionally independent, or
  - (ii) functionally independent with the assistance of existing community based services,
- (c) is comprised of Canadian citizens, individuals lawfully admitted into Canada for permanent residence, refugees sponsored by the Government of Canada, or individuals who have applied for refugee or immigration status and for whom private sponsorship has broken down, and

- (d) meets the residency requirements, if any, prescribed by the management body.

AR 244/94 s13;408/94;116/2004

**14 to 17** Repealed AR 145/2017 s4.

**18** Repealed AR 116/2004 s14.

**19** Repealed AR 145/2017 s5.

## Schedule A

### Priority of Need and Allocation of Housing

#### Part 1

#### Social Housing Accommodation Point Scoring Standards

**1** For the purposes of determining the priority of need for social housing, points are awarded in accordance with this Part.

**2** The following categories are to be evaluated for each household:

#### A Number of Dependants

**(1)** For the purposes of Table 1, a dependant includes a member of the household who is not self-supporting, including a spouse or adult interdependent partner who is not employed.

**(2)** Points are awarded in accordance with Table 1.

Table 1

Number of Dependants	Points
1	3
2	6
3	9
4	12
5	15
6	18
7	21
8 or more	24
Maximum	24

#### B Rent to Income



(1) A household's total annual income is used to determine the percentage of rent paid relative to the household's income. The calculation to be used is:

$$\frac{\text{Rent paid} \times 100}{\text{Income}} = \% \text{ of Rent to Income}$$

(2) No points are awarded for any income received as a full or partial social allowance.

(3) Points are to be awarded in accordance with Table 2.

Table 2

% of Rent to Income	Points
31 - 35 %	3
36 - 40 %	6
41 - 45 %	9
46 - 50 %	12
51 - 55 %	15
56 - 60 %	18
61 % or more	21
Maximum	21

#### C Eviction/Emergency situation

(1) Subject to subsection (2), a household applying for social housing accommodation

- (a) that has been served a notice to vacate or a notice to terminate a tenancy agreement in relation to its current accommodation is to be awarded 15 points, or
- (b) that requires a housing accommodation as a result of an emergency situation, including family violence, and is able to live independently with community based services may be awarded a maximum of 15 points.

(2) No points may be awarded if the household committed a breach of the tenancy agreement, repudiated the tenancy agreement, abandoned the premises, or if the tenancy has been otherwise terminated as a result of the household's contravention of the *Residential Tenancies Act* or any other law.

#### D Degree of Accessibility

A maximum of 12 points may be awarded if the current accommodation of the household is not accessible or adaptable

for the physical circumstances of any members of the household.

#### E Overcrowding

**(1)** Housing accommodation is overcrowded

- (a) if more than 2 persons must share a bedroom and there is at least one individual in each of the other bedrooms,
- (b) if an individual, 18 years of age or older, must share a bedroom with another member of the household, or
- (c) if an individual, 5 years of age or older, must share a bedroom with an individual of the opposite sex,

but housing accommodation is not overcrowded solely because an individual is sharing a bedroom with another member of the household to whom that individual is married or who is that individual's adult interdependent partner.

**(2)** Subject to subsection (3), points are awarded based on the number of additional bedrooms required to provide a household with suitable and adequate housing accommodation.

**(3)** No points are to be awarded if

- (a) all or any portion of the overcrowding results from a room and board arrangement, a rental agreement or any type of sharing of household expenses with an individual who is not a member of the household, or
- (b) the household could obtain or maintain adequate and suitable accommodation without paying more than 30% of its total annual income for rent in the municipality in which the social housing accommodation is located and in which the household has made application for social housing accommodation.

**(4)** Points are to be awarded in accordance with Table 3.

Table 3

Number of Additional Bedrooms Required	Points
1	3
2	6
3	9
4 or more	12

Maximum	12
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#### F Accommodation Detrimental to Health

**1** A maximum of 10 points may be awarded if a household is occupying accommodation that is causing or aggravating serious health problems, or that is unsafe.

**2** Factors the management body may consider in determining the points to be awarded for accommodation detrimental to the household's health include the following:

- (a) physical conditions of accommodation, such as
  - (i) broken or defective doors, windows, stairs or fixtures,
  - (ii) rain, wind or snow penetration, or
  - (iii) inadequate heating, electrical defects, structural or fire hazards identified by municipal, fire or health authorities;
- (b) environmental conditions of accommodation, such as
  - (i) excessive noise,
  - (ii) pollution,
  - (iii) suitability of accommodation to medical condition of the household, or
  - (iv) availability of full services.

#### G Shared Accommodation

A maximum of 3 points may be awarded to a household that is sharing accommodation with another individual or family or occupying another individual's or family's accommodation on a temporary basis.

#### H Utility Responsibility

If a household is responsible for utility costs in addition to rent, points may be awarded in accordance with Table 4.

Table 4

Utility	Points
Lights	1
Heat	1
Water, sewer or septic	1
Maximum	3

I Deductions

Deduct:

- (a) 2 points for each \$1000 value of assets;
- (b) 20 points if household consists solely of one or more full-time students in a recognized educational institution, over the age of 17 years and with no dependants.

**Part 2**  
**Priority of Allocation**

- 1** Households with the greatest number of points are considered in greatest need of housing accommodation and must be allocated housing accommodation on that basis.
- 2** Where any 2 households are awarded the same number of points, the household that applied first must be given priority.

AR 244/94 Sched.A;154/2003

**Schedule B**

**Part 1**  
**Social Housing Accommodation**  
**Basic Rent Calculation Schedule**

- 1** This Part applies to households that occupy social housing accommodation, excluding lodge accommodation.
- 2** For each household, the basic rent is
  - (a) for the period August 1, 1994 to March 31, 1995, 28% of the household's adjusted income, and
  - (b) for the period after March 31, 1995, 30% of the household's adjusted income.
- 3** The minimum basic rent that may be set and charged a household is \$120 for each month.

**4** The Minister may prescribe a maximum basic rent to be charged a household.

**Part 2**  
**Social Allowance Rental Rate Schedule**

**1** The basic rent to be charged a household occupying social housing accommodation, excluding lodge accommodation, where one or more members of the household are in receipt of a social allowance or a grant from the Students Finance Board for full-time study in a basic foundation skills program is to be determined as follows:

- (a) with respect to household members who are in receipt of a social allowance or a grant from the Students Finance Board for full-time study in a basic foundation skills program, in accordance with Table 1, and
- (b) with respect to other household members, 30% of their adjusted income.

**2 to 4** Repealed AR 219/95 s5.

**Table 1**

Number of Children* in Household	Basic Rent for Household (\$)	
	One Adult	Two Adults
None	120	193
1	212	262
2	260	317
3	317	377
4	377	437
5	437	496
6 or more	496	555

\* all members of the household who are 17 years of age or less and related by blood, adoption or marriage or by virtue of an adult interdependent relationship to another member of the household.

AR 244/94 Sched.B;219/95;146/99;154/2003

**Schedule C** Repealed AR 219/95 s6.

**Schedule D****Lodge Accommodation Rate Schedule**

**1(1)** In this Schedule,

- (a) “cottage unit” means lodge accommodation without meals;
- (b) “monthly disposable income” means the total monthly income less the monthly basic lodge rate;
- (c) “standard lodge accommodation” means lodge accommodation other than a cottage unit;
- (d) “total monthly income” in respect of a member of a senior household in lodge accommodation means
  - (i) the member’s total income as shown on line 150 of the Notice of Assessment in respect of the income tax return filed by the member under the *Income Tax Act* (Canada) for the immediately preceding taxation year, less any federal and provincial taxes payable on that income, divided by 12, or
  - (ii) if a Notice of Assessment is not available for the immediately preceding taxation year, the amount that is determined and verified by the management body using the same income information that would have been used by the member to report total income on line 150 of an income tax return for the immediately preceding taxation year, divided by 12.

**(2)** A management body providing lodge accommodation must charge for the accommodation according to this Schedule.

**(3)** A management body must determine and set at least annually monthly basic lodge rates that will be charged for standard lodge accommodation and a cottage unit.

**(4)** A management body must adjust a set monthly basic lodge rate for standard lodge accommodation as required to ensure that each member of a senior household in lodge accommodation who is 65 years of age or older is left with a monthly disposable income of at least \$315.

AR 244/94 Sched.D;408/94;256/2000;19/2001;116/2004;  
126/2014

**Schedule E** Repealed AR 145/2017 s6.





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