



Province of Alberta

ASSURED INCOME FOR THE SEVERELY
HANDICAPPED ACT

**APPLICATIONS AND APPEALS
(MINISTERIAL) REGULATION**

Alberta Regulation 89/2007

With amendments up to and including Alberta Regulation 170/2018

Current as of September 14, 2018

Office Consolidation

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(Consolidated up to 170/2018)

ALBERTA REGULATION 89/2007

Assured Income for the Severely Handicapped Act

**APPLICATIONS AND APPEALS
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**Part 1
Applications and Appeals**

Definition

1 In this Regulation, “Act” means the *Assured Income for the Severely Handicapped Act*.

Application for a benefit

2(1) An application for a benefit must be made in the form acceptable to and must be accompanied by the information required by a director.

(2) A director may accept an application for reinstatement of a benefit without proof that the applicant meets the severe handicap eligibility requirement if the applicant’s benefit was terminated

within the previous 2 years on the basis of a different eligibility requirement.

3 Repealed AR 201/2016 s2.

Appeals to appeal panel

4 An appeal made in writing to an appeal panel under section 10(2) of the Act must include the following:

- (a) the name of the appellant or the person appealing on his or her behalf;
- (b) a description of the decision of the director which is being appealed;
- (c) the date of the director's decision;
- (d) the date the affected party received notice of the director's decision;
- (e) the reason for the appeal;
- (f) the signature of the appellant or the person appealing on his or her behalf.

Appeal panels

5(1) An appeal panel must not make a decision in an appeal of a director's decision that the director would not have authority to make under the Act and regulations.

(2) An appeal panel must confirm the director's decision that is being appealed if it determines the appeal has been abandoned.

Decisions exempt from appeal

6 The decisions of a director that may not be appealed to an appeal panel under section 10 of the Act are:

- (a) a decision of a director with respect to a personal benefit under section 8(1)(a) and (b) of Schedule 3 to the *Assured Income for the Severely Handicapped General Regulation*;
- (b) a decision to refuse, vary, suspend or discontinue a benefit under section 5(1)(b)(ii) of the *Assured Income for the Severely Handicapped General Regulation*;

- (c) a decision to require repayment of a benefit or an assignment under section 4(4) of the *Assured Income for the Severely Handicapped General Regulation*;
- (d) a decision with respect to collecting a debt due, including an amount repayable under a repayment agreement;
- (e) a decision to deduct an amount owed by the client to the Government of Alberta from an underpayment under section 10(2) of the *Assured Income for the Severely Handicapped General Regulation*.

Part 2 Transitionals

Income exemption

7 A client who received an income exemption under section 2 of Schedule 1 to the repealed *Assured Income for the Severely Handicapped Regulation* (AR 203/99) continues, in accordance with the requirements of that Regulation, to have that amount deducted from income under the *Assured Income for the Severely Handicapped General Regulation*.

Facilities

8 A client is deemed to be a resident of a facility under the *Assured Income for the Severely Handicapped General Regulation* if the client

- (a) immediately prior to the coming into force of this Regulation, was receiving a modified handicap benefit under the *Assured Income for the Severely Handicapped Act*, RSA 2000 cA-45, and
- (b) immediately prior to the coming into force of this Regulation and continuously since then, has resided in a facility designated under section 2 of Schedule 1, excluding clauses (f) and (i), to the repealed *Facilities, Institutions, Health Benefits Regulation* (AR 209/99).

Dependent child

9 A client's child is deemed to be a dependent child despite the fact the child is married or in a cohabiting partner relationship if,

- (a) immediately prior to the coming into force of this Regulation, the client was receiving a living allowance or modified living allowance, and

- (b) immediately prior to the coming into force of this Regulation and continuously since then, the child has otherwise qualified as a dependent child.

Repeal

10 The *Facilities, Institutions, Health Benefits Regulation* (AR 209/99) is repealed.

Expiry

11 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on December 31, 2020.

AR 89/2007 s11;32/2017;170/2018

Coming into force

12 This Regulation comes into force on the coming into force of the *Assured Income for the Severely Handicapped Act*, SA 2006 cA-45.1.



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