



Province of Alberta

INCOME AND EMPLOYMENT SUPPORTS ACT

**INCOME SUPPORT, TRAINING AND  
HEALTH BENEFITS REGULATION**

**Alberta Regulation 122/2011**

With amendments up to and including Alberta Regulation 98/2020

Current as of July 8, 2020

Office Consolidation

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Alberta Queen's Printer  
Suite 700, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

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(Consolidated up to 98/2020)

**ALBERTA REGULATION 122/2011**

**Income and Employment Supports Act**

**INCOME SUPPORT, TRAINING AND  
HEALTH BENEFITS REGULATION**

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**Interpretation****1(1)** In this Regulation,

- (a) “Act” means the *Income and Employment Supports Act*;
- (b) repealed AR 223/2018 s2;
- (c) “apprentice full-time learner” means a person designated as an apprentice full-time learner under section 5;
- (d) repealed AR 223/2018 s2;
- (e) “approved training program” means a training program that is approved under section 20 of the Act;
- (f) “cumulative full-time training” means training provided to a learner member for an approved training program and training provided under contract with a training provider;
- (g) “EI full-time learner” means a person designated as an EI full-time learner under section 6;
- (h) “excess of certain assets” means the excess of certain assets referred to in Schedule 3;
- (i) “exempt asset” means an asset exempted under Schedule 1;
- (j) “exempt financial resources” means a financial resource exempted under Schedule 2;
- (k) “extended family” includes a child, grandchild, parent, step-parent or grandparent but does not include a dependent child;
- (l) repealed AR 223/2018 s2;
- (m) repealed AR 223/2018 s2;
- (n) repealed AR 223/2018 s2;
- (o) “learner member” means a person designated as a non-EI full-time learner, an apprentice full-time learner or an EI full-time learner;
- (p) “liquid assets” means
  - (i) cash on hand or cash in a financial institution or held by a third party that must be paid to a member of the household unit on demand,

- (ii) stocks, bonds, term deposits and other assets easily converted into cash,
- (iii) a debt held by a third party that must be paid to a member of the household unit on demand, and
- (iv) a trust that must be paid to a member of the household unit on demand,

but does not include an exempt asset or excess of certain assets;

- (q) “non-EI learner” means a person designated as a non-EI full-time learner under section 7;
- (r) “non-learner member” means a person who is not a learner member;
- (s) repealed AR 223/2018 s2;
- (t) “shared family residence” means a residence where a household unit lives in the same self-contained residence as an extended family member;
- (u) “social housing” means housing in a housing unit that is operated and maintained by a management body under the *Alberta Housing Act*;
- (v) “student funding” means a loan or grant, or both, obtained under the *Student Financial Assistance Act* or the *Canada Student Financial Assistance Act* (Canada), or a similar loan or grant, or both, as determined by the Director;
- (w) repealed AR 223/2018 s2;
- (x) “training” means full-time training unless otherwise specified;
- (y) “training period” means the number of months within an approved training program for which a learner is funded, where there is no break for more than 3 consecutive weeks or a longer period that may be permitted by the Director;
- (z) “training service plan” means a training service plan approved by the Director as provided for in this Regulation.

(2) For the purposes of the Act,

- (a) “adult member” means a person who is

- (i) 18 years of age or older and is not a dependent child,
- (ii) 16 or 17 years of age and is
  - (A) the cohabiting partner of a person described in paragraph (B) or (C) or subclause (i) or (iii),
  - (B) a learner member of a household unit, or
  - (C) determined to be an adult member in accordance with requirements specified by the Director,

or

- (iii) under 18 years of age and is an apprentice full-time learner;
- (a.1) “approved home” means a home where residential support services are provided to adults with mental illnesses by agreement between the Minister of Health and the service provider;
- (a.2) “cohabiting partner” means the person with whom a person
  - (i) is living and
    - (A) who is the person’s spouse,
    - (B) has a relationship of interdependence as defined in the *Adult Interdependent Relationships Act*, as determined by the Director, but does not include
      - (I) a person related by blood or adoption unless there is an interdependent partner agreement as provided for under that Act, or
      - (II) persons under 18 years of age, unless one of the persons is at least 16 years of age and the other is at least 18 years of age,
  - or
  - (C) has a natural or adopted child,
  - or
  - (ii) has a relationship described in subclause (i)(A) to (C) and is financially interdependent;

- (b) “dependent child” means a person
    - (i) for whom no financial assistance is provided under a Government of Alberta program designated by the Director,
    - (ii) who is living with and dependent for support on an adult member,
    - (iii) who is under 18 years of age or, if attending an education program under the *Education Act*, under 20 years of age, and
    - (iv) who is not an adult member under clause (a)(ii) or (iii);
  - (c) “group home” means a home where residential support services are provided to adults with physical or mental disabilities or illnesses pursuant to an agreement between the Government of Alberta and the service provider;
  - (d) “hospital” means a hospital under the *Hospitals Act*;
  - (e) “learner household unit” means one of the following:
    - (i) a non-EI full-time learner household unit;
    - (ii) an apprentice full-time learner household unit;
    - (iii) an EI full-time learner household unit;
  - (f) “nursing home” means a nursing home under the *Nursing Homes Act*;
  - (g) “supplementary income support” means a supplementary income support payment or allowance described in Schedule 4.
- (3) For the purposes of section 5(2) of the Act,
- (a) “budgetary requirements” for a household unit are determined under sections 24 and 51 of this Regulation;
  - (b) “financial resources available to a household unit”
    - (i) for a barriers to full employment household unit and expected to work or working household unit, are the financial resources determined under section 23 of this Regulation;
    - (ii) for a learner household unit are the financial resources determined under section 50 of this

Regulation plus any excess of certain assets of the unit available during the training period;

(4) In section 17 of the Act, “unable to manage his or her own financial affairs” means the recipient’s inability, whether or not related to mental capacity, to manage his or her finances to consistently provide for food, shelter and health care.

(5) A reference to a barriers to full employment household unit in this Regulation is a reference to a not expected to work household unit referred to in section 6(1)(a)(ii) of the Act.

(6) A reference to a non-EI full-time learner household unit in this Regulation is a reference to a full-time learner household unit referred to in section 6(1)(a)(iii) of the Act.

AR 122/2011 s1;67/2012;170/2012;223/2018;56/2019;81/2019

#### **CPI adjustment date**

**1.1** For the purposes of the Act, the CPI adjustment date is January 1.

AR 223/2018 s3

## **Part 1 Income Support and Benefits and Training Benefits**

#### **Income support and benefits**

**2(1)** The income support and benefits that may be provided by the Director under section 5 of the Act and the determination of a household unit’s eligibility under section 6 of the Act are subject to this Part.

**(2)** The core income support that may be provided by the Director under section 5(1)(a) of the Act is comprised of a core essential payment and, where a household unit is in need, a core shelter payment as determined under the Act.

**(3)** The core essential payment is intended to be used for

- (a) household needs,
- (b) personal needs, including laundry,
- (c) clothing,
- (d) use of a telephone,
- (e) basic transportation, and

- (f) food, except for a household unit living in an approved home, a group home, a hospital or a nursing home.
- (4)** The core shelter payment is intended to be used for
- (a) rent payments, mortgage payments, condominium fees, a lot rental for a mobile home or a similar payment,
  - (b) heating fuel and utilities, except
    - (i) telephone, and
    - (ii) if the household unit is living in social housing, electricity,
  - (c) property tax and house or tenant insurance, and
  - (d) food, if the household unit is living in an approved home, a group home, a hospital or a nursing home.
- (5)** The Director may provide under section 5(1)(b) of the Act the supplementary income support payments and allowances set out in Schedule 4 of this Regulation.

AR 122/2011 s2;223/2018

**Training benefits**

- 3(1)** The full-time training benefits that may be provided by the Director under section 9 of the Act and the determination of a household unit's eligibility or a learner member's eligibility are subject to this Part.
- (2)** The cost of child care and transportation are provided to a learner household unit as a supplementary income support benefit.

**Division 1**  
**Designation of Household Units**  
**and Household Members**

**Eligibility**

- 4** The conditions of eligibility to be designated
- (a) for the purpose of section 6(1) of the Act are set out in sections 7, 8 and 9 of this Regulation, and
  - (b) for the purpose of Part 2, Division 4 of the Act are set out in sections 5 and 6 of this Regulation.

**Apprentice full-time learner**

**5(1)** Pursuant to section 6(1)(a)(iv) of the Act, the apprentice full-time learner is established as a category.

**(2)** A household unit may be designated as an apprentice full-time learner household unit if a member of the household unit is designated as an apprentice full-time learner.

**(3)** A member of a household unit may be designated as an apprentice full-time learner if the member

- (a) is accepted in an approved technical training program as an apprentice under the *Apprenticeship and Industry Training Act*,
- (b) is a registered apprentice in Alberta, and
- (c) has not been approved for student funding.

AR 122/2011 s5;67/2012

**EI full-time learner**

**6(1)** Pursuant to section 6(1)(a)(iv) of the Act, the EI full-time learner is established as a category.

**(2)** A household unit may be designated as an EI full-time learner household unit if

- (a) the household unit is not eligible to be designated as an apprentice full-time learner household unit, and
- (b) a member of the household unit is designated as an EI full-time learner.

**(3)** A member of a household unit may be designated as an EI full-time learner if the member

- (a) is accepted full-time in an approved training program,
- (b) is suitable to participate full-time in the approved training program for an achievable employment goal,
- (c) is eligible or may be eligible to receive assistance pursuant to the Labour Market Development Agreement, and
- (d) has not been approved for student funding.

AR 122/2011 s6;67/2012

**Non-EI full-time learner**

**7(1)** A household unit may be designated as a non-EI full-time learner household unit if

- (a) the household unit is not eligible to be designated as an apprentice full-time learner household unit or an EI full-time learner household unit, and
- (b) a member of the household unit is designated as a non-EI full-time learner.

**(2)** A member of a household unit may be designated as a non-EI full-time learner if the member

- (a) is accepted full-time in an approved training program,
- (b) is suitable to participate full-time in the approved training program for an achievable employment goal, and
- (c) has not been approved for student funding.

AR 122/2011 s7;67/2012

**Barriers to full employment**

**8(1)** A household unit may be designated as a barriers to full employment household unit if

- (a) the household unit is not eligible to be designated as a learner household unit, and
- (b) each adult member of the household unit is designated as a barriers to full employment or at least one adult member has a severe handicap as defined in the *Assured Income for the Severely Handicapped Act*.

**(2)** An adult member of a household unit may be designated as barriers to full employment if the adult member has a long-term inability to participate in full employment due to

- (a) the adult member having multiple barriers to full employment beyond the adult member's control, or
- (b) the adult member having a persistent and severe health problem of more than, or expected to be of more than, 6 months' duration.

**Expected to work or working**

**9(1)** A household unit may be designated as an expected to work or working household unit if the household unit is not eligible to be designated under sections 5 to 8.

(2) The adult members of a household unit designated as expected to work or working are designated as expected to work or working, and for greater certainty may include an adult member who, in the opinion of the Director, is able to work but is temporarily unavailable to work because of

- (a) a temporary health problem of 6 months' duration or less,
- (b) being the primary caretaker of a child 12 months old or younger, or
- (c) any other circumstances determined by the Director that make the member temporarily unavailable for work.

## **Division 2**

### **Barriers to Full Employment Household Units and Expected to Work or Working Household Units**

#### **Non-financial Eligibility**

##### **Residency status**

**10(1)** A member of a barriers to full employment household unit or an expected to work or working household unit is not eligible to receive income support and benefits unless the member meets the requirements of subsection (2).

(2) The member must be

- (a) a Canadian citizen,
- (b) a permanent resident,
- (c) a temporary resident permit holder who has been approved for entry into Canada by the Government of Alberta,
- (d) a refugee or refugee claimant, or
- (e) a victim of human trafficking as determined by the Department of Citizenship and Immigration (Canada).

(3) The terms used in this section have the same meaning as under the *Immigration and Refugee Protection Act* (Canada).

##### **Present in Alberta**

**11** A member of a barriers to full employment household unit or an expected to work or working household unit is not eligible to

receive income support and benefits if the member is not present in Alberta.

**Refugees**

**12** A member of a barriers to full employment household unit or an expected to work or working household unit is not eligible to receive income support and benefits if the member is a refugee who is receiving financial assistance from the Government of Canada.

**Sponsored immigrants**

**13** A member of a barriers to full employment household unit or an expected to work or working household unit is not eligible to receive income support and benefits if the member is a sponsored immigrant who is adequately and appropriately maintained by his or her sponsor.

**Indian reserve**

**14** A member of a barriers to full employment household unit or an expected to work or working household unit is not eligible to receive income support and benefits if the member is ordinarily resident on an Indian reserve as determined in accordance with the Arrangement for the Funding and Administration of Social Services, or any subsequent agreement, entered into by the Governments of Alberta and Canada.

**Incarceration**

**15** A member of a barriers to full employment household unit or an expected to work or working household unit is not eligible to receive income support and benefits if the member is

- (a) incarcerated due to being charged with or convicted of an offence, or
- (b) unable to work because of a condition of his or her sentence or release.

**Assured income for the severely handicapped**

**16** A barriers to full employment household unit or an expected to work or working household unit is not eligible to receive income support and benefits if an adult member is a recipient of a benefit under the *Assured Income for the Severely Handicapped Act*.

**Other education**

**17** A barriers to full employment household unit or an expected to work or working household unit is not eligible to receive income

support and benefits if an adult member is participating in a full-time education or training program that has not been approved by the Director.

#### **Other support regimes**

**18** A household unit is not entitled to receive income support and benefits or training benefits under this Division if, in the opinion of the Director, similar benefits are provided under some other income support regime as determined by the Director.

#### **Student funding**

**19** A barriers to full employment household unit or an expected to work or working household unit is not eligible to receive income support and benefits if an adult member has been approved for student funding to attend full-time training.

AR 122/2011 s19;67/2012

### **Financial Eligibility**

#### **Asset test**

**20(1)** A barriers to full employment household unit or an expected to work or working household unit is not financially eligible to receive income support and benefits if a member of the household unit owns an asset that is not an exempt asset under section 1 of Schedule 1.

**(2)** If the Director is of the opinion that an asset has been disposed of for less than fair market value to establish or maintain eligibility for income support and benefits, that asset will be included in a determination of assets.

**(3)** This section does not apply to an asset of a dependent child that is exempted by the Director.

#### **Liquid asset test**

**21(1)** A barriers to full employment household unit or an expected to work or working household unit is not financially eligible to receive income support and benefits if the liquid assets of the household unit exceed the total value of 3 months of the following:

- (a) the core income support that may be provided to the household unit;
- (b) the federal child benefit amount, determined by the Minister, that would be provided to the household unit if

each dependent child were assumed to be eligible for the benefit;

- (c) any supplementary income support included by the Director.

(2) This section does not apply to a liquid asset of a dependent child to the extent it is exempted by the Director.

AR 122/2011 s21;88/2016;223/2018

#### **Eligibility to receive income support and benefits**

**22(1)** A barriers to full employment household unit or an expected to work or working household unit is not financially eligible to receive income support and benefits if the financial resources available to the members of the household unit exceed the budgetary requirements of the household unit determined under section 24.

(2) Section 23, except subsection (5), applies for the purposes of determining financial resources for the purpose of subsection (1) of this section.

#### **Financial resources**

**23(1)** The financial resources available to the members of a barriers to full employment household unit or an expected to work or working household unit are to be determined in accordance with this section.

(2) The financial resources are those that were available to the members of the household unit in the previous month.

(3) Subject to this section, the following are considered to be financial resources:

- (a) employment income, including non-monetary compensation received in place of compensation for employment;
- (b) self-employment income;
- (c) room and board income from the principal residence;
- (d) rental income from the principal residence;
- (e) any other source of money accessible to the household unit that is not exempted under Schedule 2.

(4) The following are deducted from financial resources:

- (a) from gross employment or gross self-employment income,

- (i) income tax,
  - (ii) Canada Pension Plan premiums, and
  - (iii) Employment Insurance premiums;
- (b) from gross employment income,
- (i) deductions required by an employer as a condition of employment, and
  - (ii) the amount of the first payment on a debt that is garnished under the *Civil Enforcement Act* from employment income;
- (c) from gross self-employment income, reasonable expenditures that are determined by the Director to be essential to the self-employment;
- (d) from room and board income from the principal residence, 75% of the gross amount received;
- (e) from rental income from the principal residence, 50% of the gross amount received.
- (5)** After applying the deductions in subsection (4), the amounts referred to in subsection (6) are to be deducted from the following:
- (a) employment income;
  - (b) self-employment income earned
    - (i) by an adult member in a barriers to full employment household unit from a home-based business, including a home-based child care service,
    - (ii) by an adult member in an expected to work or working household unit, from a home-based child care service, or
    - (iii) by a dependent child, in a barriers to full employment or expected to work or working household unit from a home-based business, including a home-based child care service.
- (6)** The amounts that may be deducted for the purpose of subsection (5) are the following:
- (a) if earned by an adult member in a household unit with 2 or more adult members, the first \$115 plus 25% of the remainder of monthly income;

- (b) if earned by an adult member in a household unit with one adult member, the first \$230 plus 25% of the remainder of monthly income;
- (c) if earned by a dependent child, the first \$350 per month plus 25% of the remainder of monthly income or, if the dependent child is attending school under the *Education Act*, 100%.

(7) The deductions referred to in subsections (4)(c) to (e) and (5) do not apply if the Director determines the related income has not been reported in a timely manner or has been wilfully misreported.

AR 122/2011 s23;81/2019

### Budgetary Requirements

#### Budgetary requirements

**24** In sections 26 to 28, “budgetary requirements” means, subject to section 28(1)(c), the total value of

- (a) the core income support determined under the Act, and
- (b) the supplementary income support determined under the Act.

AR 122/2011 s24;67/2012;223/2018

#### High school incentive

**25(1)** The high school incentive amount is the difference between

- (a) the total amount of the core income support that would be paid to the household unit if the dependent child and his or her child were treated as a separate household unit, and
- (b) the amount of the core income support the household unit would receive if the dependent child and his or her child were not treated as a separate household unit.

(2) For the purpose of subsection (1)(b), a dependent child is considered to be attending high school during a normal scheduled break if the dependent child is enrolled to attend when school recommences.

#### Income support and benefits calculation

**26(1)** If the budgetary requirements under section 24 exceed the financial resources available to the members of the household unit, the amount of income support and benefits for a month that may be provided is determined in accordance with the following formula:

A-B  
where

A is the budgetary requirements determined under section 24;

B is the financial resources available under section 23.

(2) If income support and benefits is required for only a part of a month, the amount calculated under subsection (1) may be provided on a pro-rated basis.

#### **Ineligible members considered**

**27** If a member of a barriers to full employment household unit or an expected to work or working household unit is ineligible to receive income support and benefits,

- (a) the assets, liquid assets and financial resources of that member are considered to belong to an eligible adult member of the household for the purpose of sections 20 to 23, and
- (b) that member is not considered for the purpose of calculating the household unit's budgetary requirements for the purpose of section 24.

#### **Sponsored immigrants**

**28(1)** If a member of a barriers to full employment household unit or an expected to work or working household unit is a sponsored immigrant who is eligible to receive income support and benefits,

- (a) the assets, liquid assets and financial resources of the sponsor are to be considered as belonging to an eligible adult member of the household unit for the purpose of sections 20 to 23,
- (b) section 23(5) does not apply to the financial resources of the sponsor's household unit, and
- (c) the budgetary requirements include an equivalent amount for the sponsor's household unit for the purpose of section 22.

(2) Subsection (1) does not apply if, in the opinion of the Director, the sponsored immigrant has been abused or abandoned by the sponsor.

### **Division 3 Learner Household Units**

#### **Non-financial Eligibility — Household Unit**

##### **Residency status — non-learner**

**29(1)** A non-learner member of a learner household unit is not eligible to receive income support and benefits unless the member meets the requirements of subsection (2).

**(2)** The member must be

- (a) a Canadian citizen,
- (b) a permanent resident,
- (c) a temporary resident permit holder who has been approved for entry into Canada by the Government of Alberta,
- (d) a refugee or refugee claimant, or
- (e) a victim of human trafficking as determined by Citizenship and Immigration Canada.

**(3)** The terms used in this section have the same meaning as under the *Immigration and Refugee Protection Act* (Canada).

##### **Present in Alberta**

**30(1)** A member of a learner household unit is not eligible to receive income support and benefits or training benefits if the member is not present in Alberta.

**(2)** Subsection (1) does not apply to a learner member whose approved training program is outside of Alberta.

##### **Refugees**

**31** A member of a learner household unit is not eligible to receive income support and benefits if the member is a refugee who is receiving financial assistance from the Government of Canada.

##### **Sponsored immigrants**

**32** A member of a learner household unit is not eligible to receive income support and benefits if the member is a sponsored immigrant who is adequately and appropriately maintained by his or her sponsor.

**Indian reserve**

**33** A non-EI full-time learner household unit is not eligible to receive income support and benefits if the learner member of the household unit

- (a) is a status Indian, and
- (b) is ordinarily resident on an Indian reserve as determined in accordance with the Arrangement for the Funding and Administration of Social Services, or any subsequent agreement, entered into by the Governments of Alberta and Canada.

**Incarceration**

**34** A member of a learner household unit is not eligible to receive income support and benefits or training benefits if the member is

- (a) incarcerated due to being charged with or convicted of an offence, or
- (b) unable to work because of a condition of his or her sentence or release.

**Assured income for the severely handicapped**

**35** A learner household unit is not eligible to receive income support and benefits if an adult member is a recipient of a benefit under the *Assured Income for the Severely Handicapped Act*.

**Other education**

**36** A learner household unit is not eligible to receive income support and benefits or training benefits if an adult member of the household unit is participating full-time in an education or training program that has not been approved by the Director.

**Benefits from other regimes**

**37** A household unit is not entitled to receive income support and benefits or training benefits if, in the opinion of the Director, similar benefits are provided under some other income support regime determined by the Director.

**Section 6(3) of the Act**

**38** The requirements under section 6(3)(a) to (f) of the Act that apply to a non-EI full-time learner household unit also apply to an apprentice full-time learner household unit and an EI full-time learner household unit unless otherwise specified in this Regulation.

### **Non-financial Eligibility — Designation as Learner Member and Training Service Plans**

#### **Residency status — learner member**

**39(1)** A person is not eligible to be designated as a learner member unless the person meets the requirements set out in subsection (2).

**(2)** The person must be

- (a) present in Alberta at the time the person is accepted into an approved training program, and
- (b) one of the following:
  - (i) a Canadian citizen;
  - (ii) a permanent resident of Canada;
  - (iii) a refugee who has been accepted to apply for permanent residency in Canada and is legally entitled to work and study in Canada.

**(3)** Subsection (2)(a) does not apply to an apprentice full-time learner.

#### **Suitability**

**40(1)** A person is not eligible to be designated as a learner member of a household unit unless the person

- (a) is unemployed or marginally employed,
- (b) requires full-time training to be fully employed,
- (c) is ready, willing and able to attend full-time training,
- (d) will improve his or her employability and earning potential with the skills, experience and competencies gained from the full-time training,
- (e) for a transitional vocational approved training program, has been assessed by the Director as having a mild developmental disability, and
- (f) is otherwise suitable in the opinion of the Director to participate in an approved training program.

**(2)** This section does not apply to an apprentice full-time learner.

**Age and school attendance requirements**

**41(1)** A person is eligible to be designated as a learner member of a household unit only if the person

- (a) is at least 18 years of age, and
- (b) has not attended a school under the *Education Act* or a similar institution for 12 consecutive months.

**(2)** The Director may reduce the age requirement in subsection (1)(a) to 16 or 17 years of age and waive the requirement in subsection (1)(b).

**(3)** This section does not apply to an apprentice full-time learner.

AR 122/2011 s41;81/2019

**Ceasing employment**

**42(1)** A person is not eligible to be designated as a learner member of a household unit if the person

- (a) terminated employment that the person might reasonably have continued to hold, and
- (b) was not authorized to do so by the Director.

**(2)** This section does not apply to an apprentice full-time learner.

**Information for verification**

**43** A person is not eligible to be designated as a learner member of a household unit unless the person provides consent to the disclosure of personal information by the training provider to the Director to verify the person's eligibility for training benefits.

**Training service plans**

**44(1)** A person is not eligible to be designated as a learner member of a household unit unless the Director approves a training service plan for the person.

**(2)** A first training service plan shall not be approved for more than the following amount of cumulative full-time training:

- (a) if clauses (b) and (c) do not apply, 30 months;
- (b) if the Director is satisfied that there are exceptional circumstances, 40 months;
- (c) if the Director is satisfied that the learner member requires a reduced course load due to a diagnosed chronic or

permanent physiological or psychological impairment of function that limits the learner's ability to attend full-time training, 50 months.

- (3)** Subject to subsection (5), subsequent training service plans shall not be approved for more than the following amount of cumulative full-time training:
- (a) if clause (b) does not apply, 30 months;
  - (b) if the Director is satisfied that the learner member requires a reduced course load due to a diagnosed chronic or permanent physiological or psychological impairment of function that limits the learner's ability to attend full-time training, 50 months.
- (4)** The Director may designate the duration of specific categories of training within the maximum number of months of training benefits allowed under subsection (2) or (3).
- (5)** Subsequent training service plans shall not be approved if it has been less than 48 months since the learner member last attended an approved training program under a training service plan.
- (6)** The Director may waive the application of subsection (5) in exceptional circumstances.
- (7)** A learner member ceases to be eligible to receive income support and benefits or training benefits under a training service plan if the learner member
- (a) fails to meet the full-time course requirements for the approved training service plan,
  - (b) fails to maintain acceptable attendance and progress requirements under sections 45 and 46,
  - (c) is not enrolled in the approved training program as set out in the training service plan, or
  - (d) withdraws, is expelled or is considered to have been withdrawn from the approved training program.
- (8)** If a learner member is unable to complete the learner member's training service plan but is able to recommence it within one year, the Director may consider that to be a continuation of the training service plan.
- (9)** This section does not apply to an apprentice full-time learner.

**Acceptable attendance**

- 45(1)** A learner member meets the requirements for acceptable attendance if the learner meets the requirements determined by the Minister.
- (2)** An absence from class of more than 3 consecutive weeks is not considered acceptable attendance.
- (3)** A Director may waive the application of subsection (2) in extenuating circumstances beyond the control of the learner member.
- (4)** This section does not apply to an apprentice full-time learner.

**Acceptable progress**

- 46** A learner member meets the requirements for acceptable progress if, unless otherwise determined by the Director, the learner
- (a) passes all courses in which the learner must be enrolled as a full-time learner, and
  - (b) demonstrates the essential competencies needed to successfully complete the training program to
    - (i) progress to the next level of training, or
    - (ii) become employed.

**Financial Eligibility****Asset test**

- 47(1)** A learner household unit is not financially eligible to receive income support and benefits or training benefits if a member of the household unit owns an asset that is not an exempt asset under section 2 of Schedule 1.
- (2)** If the Director is of the opinion that an asset has been disposed of for less than fair market value to establish or maintain eligibility for income support and benefits or training benefits, that asset will be included in a determination of assets.
- (3)** This section does not apply to an asset of a dependent child that is exempted by the Director.

AR 122/2011 s47;191/2014

**Liquid asset test**

**48(1)** A learner household unit is not financially eligible to receive income support and benefits or training benefits if the liquid assets of the household unit exceed \$10 000 plus the total value of 3 months of the following:

- (a) the core income support that may be provided to the learner household unit;
- (b) the federal child benefit amount, determined by the Minister, that would be provided to the household unit if each dependent child were assumed to be eligible for the federal child benefit, and
- (c) the supplementary income supports included by the Director.

**(2)** This section does not apply to a learner household unit if a learner member is in a self-employment approved training program or a transitional vocational approved training program.

**(3)** This section does not apply to a liquid asset or excess of certain assets of a dependent child to the extent it is exempted by the Director.

AR 122/2011 s48;88/2016;223/2018

**Eligibility to receive income support and benefits**

**49** A learner household unit is not financially eligible to receive income support and benefits if the household unit's projected financial resources for the training period determined under section 50, plus any excess of certain assets, exceed the projected budgetary requirements of the household unit determined under section 51 for the training period.

**Financial resources**

**50(1)** The financial resources available to the members of a learner household unit are to be determined in accordance with this section.

**(2)** The following are considered to be financial resources:

- (a) employment income, including non-monetary compensation received in place of compensation for employment;
- (b) self-employment income;
- (c) room and board income from the principal residence;

- (d) rental income from the principal residence;
  - (e) any other source of money accessible to the household unit that is not exempt under Schedule 2.
- (3) The following are to be deducted from financial resources:
- (a) from gross employment or self-employment income,
    - (i) income tax,
    - (ii) Canada Pension Plan premiums, and
    - (iii) Employment Insurance premiums;
  - (b) from gross employment income,
    - (i) deductions from employment income required by an employer as a condition of employment, and
    - (ii) the amount of the first payment on a debt that is garnished under the *Civil Enforcement Act* from employment income;
  - (c) from gross self-employment income, reasonable expenditures that are determined by the Director to be essential to the self-employment;
  - (d) from room and board income from the principal residence, 75% of the gross amount received;
  - (e) from rental income from the principal residence, 50% of the gross amount received.
- (4) After applying the deductions in subsection (3), the following are to be deducted from financial resources:
- (a) from employment income,
    - (i) if earned by a non-learner adult member, the first \$230 of monthly income plus 25% of the remainder of monthly income,
    - (ii) if earned by a learner member, 100% of monthly income, or
    - (iii) if earned by a dependent child, the first \$350 of monthly income plus 25% of the remainder of monthly income or, if the dependent child is attending school under the *Education Act*, 100% of monthly income;

- (b) from self-employment income,
  - (i) if earned by a learner member who is participating in an approved self-employment training program, 100% of monthly income,
  - (ii) if earned from a home-based business by a dependent child, the first \$350 of monthly income plus 25% of the remainder of monthly income or, if the dependent child is attending school under the *Education Act*, 100% of monthly income, or
  - (iii) if earned from a home-based child care service by the cohabiting partner of a learner member, the first \$230 of monthly income plus 25% of the remainder of monthly income;
- (c) from unemployment benefits paid under the *Employment Insurance Act (Canada)* to an apprentice full-time learner member or an EI full-time learner member, the first \$100 of monthly income.

(5) The deductions in subsections (3)(c) to (e) and (4) do not apply if the Director determines the related income has not been reported in a timely manner or has been wilfully misreported.

(6) The financial resources that are to be considered are the average monthly projected financial resources available to the members of the household unit for the number of months in the training period.

(7) If a change in circumstances occurs during the training period, the calculation under subsection (6) is to be reapplied based on a determination of monthly averages during the training period.

AR 122/2011 s50;81/2019

## Budgetary Requirements

### Budgetary requirements

**51(1)** In this section and in sections 52 to 54 and 56, “budgetary requirements” means, subject to section 54(1)(c), the total value of

- (a) the core income support determined under the Act, and
- (b) the supplementary income support determined under the Act.

(2) The budgetary requirements that are to be considered are the projected budgetary requirements for the members of the household unit for the number of months in the training period.

- (3) The high school incentive amount is the difference between
- (a) the total amount of the core income support that would be paid to each household unit if the dependent child and his or her child were treated as a separate household unit, and
  - (b) the amount of the core income support the household unit would receive if the dependent child and his or her child were not treated as a separate household unit.
- (4) For the purpose of subsection (3)(b), a dependent child is considered to be attending high school during a normal scheduled break if the dependent child is enrolled to attend when school recommences.
- (5) If an adult non-learner member of a learner household unit is approved for student funding, the core income support that may be provided to the household unit is reduced by half.

AR 122/2011 s51;67/2012;223/2018

#### **Income support and benefits calculation**

**52(1)** If, under section 49 the projected budgetary requirements exceed the projected financial resources available to the learner household unit, plus any excess of certain assets, the amount of income support and benefits for a month that may be provided is determined in accordance with the following formula:

$$\frac{(A-B)}{C}$$

where

- A is the projected budgetary requirements for the training period determined under section 51;
- B is the projected financial resources determined under section 50 plus any excess of certain assets available for the training period;
- C is the number of months of the training period for which the full-time learner is to receive income support and benefits.

(2) Where there is a change in circumstances of the learner household unit, the amount determined under subsection (1) is adjusted by a recalculation for the remainder of the training period, based on the formula in subsection (1).

(3) If income support and benefits is required for only a part of a month, the amount calculated under this section may be provided on a pro-rated basis.

**Ineligible members considered**

**53(1)** If a member of a learner household unit is ineligible to receive income support and benefits,

- (a) the assets, liquid assets, excess of certain assets and financial resources of that member are considered to belong to an eligible adult member of the household unit for the purpose of sections 47 to 50, and
- (b) that member is not considered in calculating the household unit's budgetary requirements for the purpose of section 51.

(2) The Director may waive the application of subsection (1)(a) for a non-learner member who is ineligible because of section 30.

**Sponsored immigrants**

**54(1)** If a member of a learner household unit is a sponsored immigrant who is eligible to receive income support and benefits,

- (a) the assets, liquid assets, excess of certain assets and financial resources of the sponsor are to be considered as belonging to an eligible adult member of the household unit for the purpose of sections 47 to 50,
- (b) section 50(4) does not apply to the financial resources of the sponsor's household unit, and
- (c) the budgetary requirements include an equivalent amount for the sponsor's household unit for the purpose of section 49.

(2) Subsection (1) does not apply if, in the opinion of the Director, the sponsored immigrant has been abused or abandoned by the sponsor.

**AISH training benefit**

**55** Notwithstanding sections 47 to 49, a learner household unit that is the recipient of a benefit under the *Assured Income for the Severely Handicapped Act* is financially eligible to receive training benefits.

**Training benefits**

**56(1)** In this section,

- (a) “contract-based training program” means an approved training program in which the training provider is funded directly by the Minister to provide training to a learner, but does not include a tuition-based program as defined in the *Training Provider Regulation* (AR 186/2011);
- (b) “mandatory fees” means flat rate charges in an approved training program for libraries, technology, laboratories and any other facilities the use of which is necessary to both assist in instruction and program completion, but does not include tuition fees and fees for health and dental benefits;
- (c) “student association fees” means the fees that are payable to a students association for student association activities, but does not include fees for health and dental benefits.

**(2)** For the purpose of sections 9(a) and 11 of the Act, the prescribed fees are mandatory fees and student association fees.

**(3)** For the purpose of sections 9(d) and 11 of the Act, enrolment in a contract-based training program is a training benefit.

**(4)** Subject to subsection (5), the Minister may determine the amount or value of training benefits under sections 9 and 11 of the Act and the circumstances under which the benefits may be provided to or on behalf of a learner member for the training period.

**(5)** The amount or value of training benefits that may be provided in a month to or on behalf of a learner member is the amount of the training benefits payable in that month less, if applicable, the amount by which A exceeds B

where

- A is the projected financial resources of the household unit determined under section 50 for that month plus any excess of certain assets available in that month;
- B is the projected budgetary requirements determined under section 51 payable to the household unit for that month.

AR 122/2011 s56;67/2012

**Periods of training**

**57(1)** The Director shall not provide a learner household unit with income support and benefits or training benefits except during the

periods in which the learner member is participating in an approved training program as provided for under a training service plan.

- (2) The Director may waive the requirement of subsection (1) if
- (a) the learner member is prevented from participating in the approved training program due to the unforeseen inability of the training provider to provide the training, and
  - (b) arrangements are being or will be made for the learner member to recommence the training.

## **Part 2**

### **Part-time Training Benefits**

#### **Part-time training benefits**

**58** The part-time training benefits that may be provided by the Director under section 9 of the Act to a part-time learner member are subject to this Part and section 10 of the Act.

#### **Non-financial Eligibility**

#### **Residency status - part-time learner**

**59** A person is eligible to receive a part-time training benefit if the person is

- (a) present in Alberta at the time of acceptance in the approved training program, and
- (b) one of the following:
  - (i) a Canadian citizen;
  - (ii) a permanent resident of Canada;
  - (iii) a refugee who has been accepted to apply for permanent residency in Canada and is legally entitled to work and study in Canada.

#### **Suitability**

**60** A person is not eligible to receive a part-time training benefit unless the person

- (a) is in need of training,
- (b) is ready, willing and able to attend part-time training,

- (c) will improve his or her employability and earning potential with the skills, experience and competencies gained from the part-time training, and
- (d) is otherwise suitable in the opinion of a Director to participate in an approved training program.

**Incarceration**

**61** A person is not eligible to receive a part-time training benefit if the person is

- (a) incarcerated due to being charged with or convicted of an offence, or
- (b) unable to work because of a condition of his or her sentence or release.

**Age and school attendance requirements**

**62(1)** A person is not eligible to receive a part-time training benefit unless the person has not attended a school under the *Education Act* or a similar institution for 12 consecutive months.

**(2)** The Director may waive the requirement in subsection (1).

AR 122/2011 s62;81/2019

**Benefits from other sources**

**63** A person is not entitled to receive a part-time training benefit if

- (a) in the opinion of the Director, a similar benefit is provided under some other program determined by the Director, or
- (b) the person has been approved for student funding.

AR 122/2011 s63;67/2012

**Training service plans required**

**64(1)** The Director shall not provide a part-time training benefit unless the Director pays the part-time training benefit under a training service plan.

**(2)** A part-time learner member ceases to be eligible to receive part-time training benefits under a training service plan if the part-time learner member

- (a) fails to maintain acceptable attendance and progress requirements under sections 65 and 66,

- (b) is not enrolled in the approved training program as set out in the training service plan, or
- (c) withdraws, is expelled or is considered to have been withdrawn from the approved training program.

**Acceptable attendance**

**65(1)** A part-time learner member meets the requirements for acceptable attendance if the learner meets the requirements determined by the Minister.

**(2)** An absence from class of more than 3 consecutive weeks is not considered acceptable attendance.

**(3)** A Director may waive the application of subsection (2) in extenuating circumstances beyond the control of the part-time learner member.

**Acceptable progress**

**66** A part-time learner member meets the requirements for acceptable progress if, unless otherwise determined by the Director, the learner

- (a) passes all courses in which the learner is enrolled as a part time learner, and
- (b) demonstrates the essential competencies needed to successfully complete the training program to
  - (i) progress to the next level of training, or
  - (ii) become employed.

**Financial Eligibility****Financial eligibility**

**67** For the purpose of section 10(a) of the Act, a person who is not receiving income support and benefits is financially eligible for a part-time training benefit if

- (a) the person is the recipient of a benefit under the *Assured Income for the Severely Handicapped Act*, or
- (b) the household unit's
  - (i) income does not exceed the maximum qualifying income level determined by the Minister,

- (ii) Registered Retirement Savings Plans holdings do not exceed an amount as determined by the Minister, and
- (iii) liquid assets do not exceed an amount as determined by the Minister.

### **Part-time Training Benefits Provided**

#### **Part-time training benefits**

**68(1)** The Minister may determine the amount or value of a part-time training benefit under section 9 of the Act and the circumstances under which the benefit may be provided to a part-time learner member.

**(2)** Section 56(1) to (3) apply for the purposes of subsection (1).

#### **Part-time maximum**

**69(1)** In the case of a part-time learner member who is receiving income support and benefits, the annual value of part-time training benefits, not including child care, transportation and internet fees, must not exceed \$5000.

**(2)** In the case of a part-time learner member who is not receiving income support and benefits, the annual value of part-time training benefits must not exceed \$5000.

AR 122/2011 s69;67/2012

#### **Internet**

**70** An internet allowance may be provided to a part-time learner member for internet service, including connection fees, if internet access is mandatory for the approved training program.

AR 122/2011 s70;67/2012

#### **Child care**

**71** The child care costs that may be provided as a part-time training benefit are those described in section 16 of Schedule 4 that the Director considers are necessary and reasonable for the part-time learner member to attend the approved training program.

AR 122/2011 s71;67/2012

#### **Transportation**

**72** The transportation costs that may be provided as a part-time training benefit are those that the Director considers are necessary and reasonable for the part-time learner member to attend the approved training program and must be for the most economical

and reasonable means of travel in the circumstances, as determined by the Director, in the following order of preference:

- (a) the actual cost of public transportation;
- (b) a per kilometre allowance as determined by the Minister for use of a personal vehicle.

AR 122/2011 s72;67/2012

### **Part 3**

#### **Health Benefits**

##### **Health benefits**

**73(1)** The health benefits that may be provided by the Director under section 7 of the Act to an eligible person is subject to section 8 of the Act and this Part.

**(2)** In this Part, “health benefit” means

- (a) a prescription drug that is
  - (i) listed in the Drug Benefit List published by the Department of Health, and
  - (ii) approved by the Minister,
- (b) a non-prescription drug or a nutritional product listed in the Drug Benefit Supplement published by the Minister,
- (c) an optical supply or service listed in an agreement between the Minister and
  - (i) the Alberta Association of Optometrists, or
  - (ii) the Alberta Opticians Association,
- (d) a dental supply or service listed in an agreement between the Minister and
  - (i) the Alberta Dental Association and College,
  - (ii) the College of Alberta Denturists, or
  - (iii) the College of Registered Dental Hygienists of Alberta,
- (e) an emergency ambulance service in a list approved by the Minister,
- (f) an essential diabetic supply in a list approved by the Minister, and

- (g) if approved by the Health Benefits Exception Committee under section 74, a health benefit not included in a list or agreement under clauses (a) to (f).

AR 122/2011 s73;170/2012

#### **Health Benefits Exception Committee**

**74(1)** The Minister shall establish a Health Benefits Exception Committee to approve a health benefit not otherwise provided for under section 73(2)(a) to (f).

**(2)** The members of the Committee shall consist of employees of the Government of Alberta.

**(3)** The quorum for the Committee is 3 members but, in the case of an emergency as determined by a Committee member, is one member.

AR 122/2011 s74;31/2012;191/2014

### **Non-financial Eligibility**

#### **Residence**

**75(1)** A member of a household unit is not eligible to receive a health benefit unless the member meets the requirements set out in subsection (2).

**(2)** The member must be a resident of Alberta who is

- (a) a Canadian citizen,
- (b) a permanent resident,
- (c) a temporary resident who has been approved for entry into Canada by the Government of Alberta,
- (d) a refugee or a refugee claimant, or
- (e) a victim of human trafficking as determined by the Department of Citizenship and Immigration (Canada).

#### **Refugees**

**76** A member of a household unit is not eligible to receive a health benefit if the member is a refugee who is receiving a health benefit from the Government of Canada.

**Sponsored immigrants**

**77** A member of a household unit is not eligible to receive a health benefit if the member is a sponsored immigrant who is adequately and appropriately maintained by his or her sponsor.

**Seniors benefit**

**78** A member of a household unit is not eligible to receive a health benefit if the member is eligible to receive a health benefit under the *Seniors Benefit Act*.

**First Nations**

**79** An Indian or Inuk person eligible to receive a health benefit from the Government of Canada under the Non-Insured Health Benefits program is not eligible to receive a health benefit.

**Incarceration**

**80** A member of a household unit is not eligible to receive a health benefit if the member is incarcerated due to being charged with or convicted of an offence.

**Other sources**

**81(1)** A health benefit shall not be provided to or for the benefit of a person who is eligible to receive the same or a similar health benefit from another program or source except with respect to a health benefit plan referred to in subsection (2).

**(2)** If an employer of a person eligible for health benefits under this Part offers a health benefits plan, the person must participate in that plan if, in the Director's opinion, it is reasonable to do so.

**(3)** If a person eligible for health benefits under this Part is participating in a health benefits plan referred to in subsection (2) the person must first submit claims for health benefits under that plan.

**(4)** If the health benefits that are provided under a plan referred to in subsection (2) are not equal to the health benefits that may be provided under this Part, the Director may provide the balance of the health benefits in accordance with this Part.

**Child support services eligibility**

**82** A person who receives health benefits provided under this Part but who is no longer eligible for income support and benefits must comply with Part 5 of the Act as required by the Director.

## Financial Eligibility

### Definition

**83** In this Part, “assessed income” means income assessed as provided for in section 84.

### Assessing household income

**84** A household unit’s income must be assessed by one of the following methods:

- (a) based on the previous taxation year, the net income as set out in a Notice of Assessment under the *Income Tax Act* (Canada) and any non-taxable child support payments less the value of the health benefit that may be provided to the household unit;
- (b) based on the current taxation year, the projected net income reportable under the *Income Tax Act* (Canada) and any non-taxable child support less the value of the health benefit that may be provided to the household unit.

### Income support households

**85** A household unit is financially eligible to receive a health benefit if the household unit is receiving income support and benefits.

### Full-time training benefits

**86** A household unit is financially eligible to receive a health benefit if a learner member of the household unit is receiving full-time training benefits.

### Former assistance households

**87(1)** A household unit is financially eligible to receive a health benefit during the current health benefit period if the household unit

- (a) was receiving income support and benefits as a barriers to full employment household unit or as an expected to work household unit or was receiving assistance under the *Assured Income for the Severely Handicapped Act*, and
- (b) ceased to receive that benefit or assistance due to excess income from
  - (i) employment income,
  - (ii) self-employment income, or

(iii) a disability benefit under the Canada Pension Plan.

**(2)** A household unit eligible to receive a health benefit under subsection (1) is eligible to receive a health benefit in any continuous subsequent health benefit period if the assessed household unit's income is equal to or less than the qualifying income level as determined by the Minister.

#### **Households — pregnant member**

**88** A member of a household unit who is pregnant and 18 years of age or older and is not in receipt of income support and benefits is financially eligible for health benefits until the end of the month of the adult's expected delivery date if the assessed household unit's income is equal to or less than the qualifying income level as determined by the Minister.

#### **Other households**

**89(1)** A household unit is financially eligible to receive a health benefit if, during the current health benefit period,

- (a) a member of the household unit is 18 years of age or older,
- (b) the total costs associated with the ongoing need for prescription drugs and essential diabetic supplies of the household unit exceed an amount determined by the Minister, and
- (c) the assessed household unit's income is equal to or less than the qualifying income level as determined by the Minister.

**(2)** A household unit eligible to receive a health benefit under subsection (1) is eligible to receive the health benefit in any continuous subsequent health benefit period if the assessed household unit's income is equal to or less than the qualifying income level as determined by the Minister.

#### **Dependent children only**

**90(1)** A household unit is financially eligible to receive a health benefit on behalf of a dependent child during the current health benefit period if

- (a) a member of the household unit is 18 years of age or older, or is
  - (i) 16 or 17 years of age, and

- (ii) in receipt of the Canada Child Benefit for the child,
  - and
  - (b) the assessed household unit's income is equal to or less than the qualifying income level as determined by the Minister.
- (2) A household unit is financially eligible to receive a health benefit on behalf of a dependent child if, during the current health benefit period, the household unit
- (a) was receiving income support and benefits as a barriers to full employment household unit or as an expected to work or working household unit, or
  - (b) was receiving assistance under the *Assured Income for the Severely Handicapped Act*.
- (3) A household unit eligible to receive a health benefit under subsection (1)(b) is eligible to receive a health benefit in any continuous subsequent health benefit period if the assessed household unit's income is equal to or less than the qualifying income level as determined by the Minister.

AR 122/2011 s90;88/2016

## Part 4 Appeals

### Training provider — appeals

- 91(1)** An amount owing to the Government under section 22(f), (g) or (i) of the Act by a training provider and an administrative penalty imposed on a training provider under section 24 of the Act may be appealed by serving the Minister with a notice of appeal within 30 days of receiving the notice referred to in section 25(2) of the Act.
- (2) For the purposes of hearing appeals referred to in subsection (1), the Minister may
- (a) establish an appeal panel under section 47 of the Act to hear the appeal, or
  - (b) designate an existing body to hear the appeal.
- (3) The appeal panel or body may, after reviewing the Director's decision, may confirm, vary or reverse the decision.
- (4) The decision of the appeal panel or body, as the case may be, is final.

**Sponsor — appeals**

**92(1)** A sponsor who owes an amount payable to the Government pursuant to subsection 145(2) of the *Immigration and Refugee Protection Act* (Canada) may appeal the requirement to pay to an appeal panel established under section 47(1) of the Act.

**(2)** The appeal must be brought within 30 days from when the sponsor received notice of the requirement to pay under section 37(2) of the Act.

AR 122/2011 s92;67/2012

**Notices of appeal**

**93(1)** A notice required under section 25(2), 35(4) or 37(2) of the Act must

- (a) be in writing and in the form required by the Minister,
- (b) set out the amount owing,
- (c) in the case of a notice under section 35(4), set out any amount or value exempted from repayment, and
- (d) advise of the right to appeal within 30 days of receiving the notice.

**(2)** A notice referred to in subsection (1) may be

- (a) served personally on the person, or
- (b) sent by ordinary mail to the address of the person according to the records of the Director.

AR 122/2011 s93;223/2018

**Notice under section 38(5) of Act**

**94** A notice referred to in section 38(5) of the Act must be made in writing and served personally or be sent by ordinary mail to the address of the person according to the records of the Director.

AR 122/2011 s94;67/2012

**Appointments to appeal panels under section 47 of Act**

**95(1)** Repealed AR 213/2016 s2.

**(2)** A member of an appeal panel may be reappointed.

**(3)** Repealed AR 213/2016 s2.

AR 122/2011 s95;143/2013;213/2016

**96** Repealed AR 223/2018 s10.

**General appeal prohibitions**

**97(1)** For the purpose of section 44 of the Act, a decision of the Director with respect to the following matters is exempt from appeal:

- (a) the pro-ration of income support and benefits;
- (b) a decision to give a person a specific learner member designation under sections 5 to 7;
- (c) a matter under section 17 or 36;
- (d) a decision as to whether a person is present in Alberta under sections 11 and 30;
- (e) a matter under section 40 and 60;
- (f) a decision by the director to waive a requirement under section 41 or 62;
- (g) a decision of the Director under section 42(1)(b);
- (h) a matter under section 44;
- (i) a matter under section 57;
- (j) the commencement date or end date for income support and benefits or training benefits;
- (k) what constitutes full-time or part-time training;
- (l) the amount or value of a benefit that may be provided under section 9 or 11 of the Act;
- (m) a matter under section 73.

**(2)** A decision of the Health Benefits Exception Committee under section 74 is exempt from appeal.

AR 122/2011 s97;67/2012

## **Part 5 Miscellaneous**

**Other funding**

**98** If, on the coming into force of this Regulation, a member of a household unit is receiving assistance under a training plan under the *Employment and Immigration Grant Regulation* (AR 94/2009), the household unit is not eligible to receive income support and benefits or training benefits under this Regulation until the end of that training plan or July 31, 2011, whichever is earlier.

**Reimbursement and assignment**

**99** For the purpose of section 16(2) of the Act, the Director may, as a condition of eligibility for assistance under Part 2 of the Act require a member of a household unit to enter into a repayment agreement or to provide an assignment in the following circumstances:

- (a) a member of the household unit is entitled or potentially entitled to receive an award or settlement for a legal claim that is not exempt under Schedule 2;
- (b) a member of the household unit is entitled or potentially entitled to receive a benefit from a government or a government agency that is not exempt under Schedule 2;
- (c) a household unit receives assistance under section 100;
- (d) the benefit is a supplementary income support payment described in the following:
  - (i) a utility access payment provided under section 23 of Schedule 4;
  - (ii) a child supplement allowance provided under section 5 of Schedule 4;
  - (iii) a relocation payment provided under section 13(c) of Schedule 4;
  - (iv) an emergency payment provided under section 26 of Schedule 4, except
    - (A) for an amount provided for rental arrears to a household unit for the first time, or
    - (B) for an amount provided for an unpaid utility bill for the first time;
  - (v) a payment or allowance approved by the Minister under section 28 of Schedule 4;
  - (vi) a refundable deposit;
- (e) the benefit is a health benefit provided for replacement glasses, early eye exams or dentures.

AR 122/2011 s99;88/2016

**Emergency payments — ineligible household units**

**100(1)** The Director may provide core income support, supplementary income support or health benefits that would

otherwise not be payable to a household unit under this Regulation because the financial resources available to a household unit exceed its budgetary requirements if

- (a) the Director considers that not providing the benefit would result in extreme hardship to the household unit,
- (b) the household unit does not have sufficient liquid assets, and
- (c) the household unit does not have any assets that are not exempt assets.

(2) The amount that may be provided is the difference between

- (a) the value of income support and benefits or health benefits that would otherwise be available under the Act, or both, as determined by the Director, and
- (b) the liquid assets of the household unit.

#### **Administrative penalties**

**101(1)** For the purposes of section 24(1)(a) of the Act, an administrative penalty is payable in respect of a contravention of the following:

- (a) sections 21 and 23(3) of the Act;
- (b) sections 4, 5 and 9 of the *Training Provider Regulation* (AR 186/2011).

(2) The notice to a training provider under section 25(2) of the Act to pay an administrative penalty must be given in writing and must contain the following information:

- (a) the name of the training provider required to pay the administrative penalty;
- (b) particulars of the contravention;
- (c) the amount of the administrative penalty and the date by which it must be paid;
- (d) a statement of the right to appeal.

(3) A notice given under this section may be

- (a) served personally on the training provider,
- (b) sent by ordinary mail to the address of the training provider according to the records of the Director, or

(c) sent by electronic means to the training provider.

**(4)** Subject to section 24(4)(c) of the Act and subsection (5) of this Regulation, the amount of an administrative penalty for each day that the contravention occurs or continues is \$1000.

**(5)** In a particular case, the Director may, subject to section 24(4)(c) of the Act, increase or decrease the amount of the administrative penalty referred to in subsection (4) after considering the following factors:

- (a) the degree of wilfulness in the contravention;
- (b) whether or not there were any mitigating circumstances relating to the contravention;
- (c) whether or not steps have been taken to prevent a reoccurrence of the contravention;
- (d) whether or not the person who receives the notice of administrative penalty has a history of non-compliance;
- (e) whether or not the person who receives the notice of administrative penalty has derived any economic benefit from the contravention.

AR 122/2011 s101;67/2012

### **Repeals, Expiry and Coming into Force**

#### **Repeals**

**102(1)** The *Income Supports, Health and Training Benefits Regulation* (AR 60/2004) is repealed.

**(2)** The *Recovery, Administrative Penalties and Appeals Regulation* (AR 381/2003), except sections 6(c) and 9, is repealed.

**103** Repealed AR 230/2017 s3.

#### **Coming into force**

**104** This Regulation comes into force on August 1, 2011.

**Schedule 1****Exempt Assets****Barriers to full employment/expected to work or working household units**

**1(1)** For the purpose of section 20(1) and 100(1)(c) of this Regulation, the following are, subject to subsection (2), exempt assets for a barriers to full employment household unit or an expected to work or working household unit:

- (a) one principal residence, including the home quarter section of a farm;
- (b) any vehicle of a reasonable value;
- (c) any vehicle adapted to accommodate a disability of a member of the household unit;
- (d) clothing and reasonable household items;
- (e) reasonable equipment and tools necessary for self-employment;
- (f) essential equipment and supplies for farmers;
- (g) an asset held by a trustee in bankruptcy under the *Bankruptcy and Insolvency Act* (Canada);
- (h) money that has been accumulated by a member of the household unit under the learn\$ave savings program or under another savings program approved by the Minister;
- (i) a locked-in retirement account;
- (j) a Registered Disability Savings Plan;
- (k) a Registered Education Savings Plan;
- (l) a Registered Retirement Savings Plan of a value determined by the Minister;
- (m) holdings of the household unit in a life insurance plan to the extent that the total cash surrender value is equal to or less than \$1500;
- (n) an asset that was purchased with money exempted under section 1(1)(n) of Schedule 2 as permitted by the Minister;
- (n.1) an asset or liquid asset that was purchased or obtained with money exempted under section 1(1)(s.1) of Schedule 2;

- (n.2) an asset or liquid asset that was purchased or obtained with money exempted under section 1(1)(r), (s), (x) or (y) of Schedule 2 as permitted by the Minister;
- (o) subject to subsection (2), any other asset, excluding a liquid asset, exempted by the Director.

**(2)** The Director may require that an asset exempted under subsection (1)(o) be, within a specified time,

- (a) disposed of for fair market value, or
- (b) used to secure a loan.

**Learner household units**

**2(1)** For the purpose of section 47(1) of this Regulation, the following are, subject to subsections (2) and (3) of this section, exempt assets for a learner household unit:

- (a) one principal residence, including the home quarter section of a farm;
- (b) vehicles;
- (c) clothing and reasonable household items;
- (d) reasonable equipment and tools necessary for self-employment;
- (e) essential equipment and supplies for farmers;
- (f) subject to subsection (2), business and farm assets;
- (g) subject to subsection (2), real estate;
- (h) an asset held by a trustee in bankruptcy under the *Bankruptcy and Insolvency Act* (Canada);
- (i) money that has been accumulated by a member of the household unit under the learn\$ave savings program or under another savings program approved by the Minister;
- (j) a locked-in retirement account;
- (k) a Registered Disability Savings Plan;
- (l) a Registered Education Savings Plan;
- (m) a Registered Retirement Savings Plan;
- (n) holdings of the household unit in a life insurance plan;

- (o) an asset that was purchased with money exempted under section 1(1)(n) of Schedule 2 as permitted by the Minister;
  - (o.1) an asset or liquid asset that was purchased or obtained with money exempted under section 1(1)(s.1) of Schedule 2;
  - (o.2) an asset or liquid asset that was purchased or obtained with money exempted under section 1(1)(r), (s), (x) or (y) of Schedule 2 as permitted by the Minister;
  - (p) any other asset, excluding a liquid asset exempted by the Director.
- (2) For a second or subsequent training service plan for a learner member of a household unit, other than an apprentice member, any particular real estate or business or farm assets exempted by subsection (1)(f) or (g) under a previous training service plan is not exempt.
- (3) The Director may require that an asset exempted under subsection (1)(p), within a specified time, be
- (a) disposed of for fair market value, or
  - (b) used to secure a loan.

AR 122/2011 Sched. 1;67/2012;99/2015;174/2017

## Schedule 2

### Exempt Financial Resources

#### General

**1(1)** The following financial resources are exempt from a determination of financial resources under this Regulation:

- (a) the Working Income Tax Benefit;
- (a.1) a Canada Child Benefit;
- (b) a Canada Child Tax Benefit;
- (c) a Goods and Services Tax Credit;
- (d) an Alberta Family Employment Tax Credit;
- (e) a Universal Child Care Benefit payment;
- (f) an amount withdrawn from a Registered Disability Savings Plan;

- (g) a property insurance settlement if, in the opinion of the Director, the property is replaced or repaired or the settlement is otherwise used as permitted by the Director and within a reasonable time;
- (h) a payment received from the Government of Alberta to purchase services to enable a disabled member of the household unit to live in the community;
- (i) a payment received from the Government of Alberta to reimburse living expenses of a person who is living with but who is not a member of the household unit;
- (j) a payment from the Government of Alberta to supplement rent costs as permitted by the Minister;
- (k) a payment received from a management body under the *Alberta Housing Act* for the payment of a utility other than electricity;
- (l) a payment received from the Government of Canada or the Government of Alberta or under a program of one of them
  - (i) to protect consumers from high energy costs, or
  - (ii) for home repairs or renovations;
- (m) a grant or loan received from the Government of Canada, a Province of Canada, a provincial agency or a non-profit organization to start a business, except for any portion that represents a living allowance;
- (n) a financial benefit received under the *Victims of Crime and Public Safety Act*, except for any portion received for lost income;
- (o) a loan received from a financial institution, except for
  - (i) a student loan that is not considered student funding as defined in section 1 of this Regulation, or
  - (ii) a loan required by the Director to exempt an asset under section 1(2)(b) or 2(3)(b) of Schedule 1;
- (p) an award or prize received for outstanding academic or community achievement in an amount equal to or less than an amount determined by the Minister per member of the household unit;
- (q) cash gifts of a non-recurring nature to a maximum value determined by the Minister;

- (r) a payment of a non-recurring nature received from a First Nation that is paid equally to each member on the First Nation's band list;
  - (s) a payment made to a First Nation under an agreement with the Government of Canada for a specific land claim (surrender), as to the extent permitted by the Minister;
  - (s.1) a payment received from the Tsuu T'ina First Nation as the result of the Final Agreement dated November 27, 2013 between the Tsuu T'ina Nation and Her Majesty the Queen in right of Alberta and that is paid equally to each member on the Tsuu T'ina First Nation band list;
  - (t) child support payable under a court order or support agreement received for a person who is not a dependent child;
  - (u) arrears of child support that the Government of Alberta is not entitled to receive under section 31 of the Act;
  - (v) a refund of a deposit provided for a utility or a rented principal residence;
  - (w) a payment from a landlord to cover the actual cost of moving to a new principal residence;
  - (x) a payment received from the Government of Canada or a Province of Canada to compensate for a harm done and received as a member of a class, to the extent exempted by the Minister;
  - (y) any other payment received from the Government of Canada or a Province of Canada, to the extent exempted by the Minister.
- (2)** Where in the opinion of the Director the amount of an academic award or prize referred to in subsection (1)(p) is more than the amount determined by the Minister under that subsection and has been received in respect of more than one year, the Director may apportion the amount over the number of years in respect of which the prize or award was given.

AR 122/2011 Sched. 2;67/2012;99/2015;88/2016;98/2020

**Schedule 3****Excess of Certain Assets  
(Learners)****Excess amounts**

- 1** The following are the excess of certain assets:
  - (a) holdings in a Registered Education Savings Plan to the extent they are available to a learner member of the learner household unit;
  - (b) holdings in a Registered Retirement Savings Plan by a member of a learner household unit to an amount that exceeds an amount determined by the Minister at the commencement of a training service plan;
  - (c) funds from an award or prize received by a member of a household unit for outstanding academic or community achievement to an amount that exceeds the maximum amount per academic year as determined under section 1(2) of Schedule 2;
  - (d) holdings in a life insurance plan by a member of the learner household unit to an amount that the cash surrender value exceeds \$1500.

**Schedule 4****Supplementary Income Support**

- 1** Repealed AR 223/2018 s11.

**Handicap**

- 2** A handicap allowance may be provided to a member of a household unit who
  - (a) has a severe handicap as defined under the *Assured Income for the Severely Handicapped Act*, and
  - (b) is not eligible to receive an old age security benefit under the *Old Age Security Act* (Canada).

**Personal needs**

- 3(1)** A personal needs allowance may be provided to an adult member of an expected to work or working household unit who has been designated as barriers to full employment under section 8(2) of this Regulation.
- (2)** Subsection (1) does not apply to

- (a) an adult member who is living in a hospital, nursing home, or the McCullough Centre, or
- (b) an adult member who
  - (i) is living in an institution designated by the Director, and
  - (ii) receives a handicap allowance under section 2 of this Schedule.

**Earnings replacement**

**4(1)** An earnings replacement allowance may be provided to an expected to work or working household unit if every adult member of the household unit designated as expected to work or working is, in the opinion of the Director, temporarily unavailable to work because of

- (a) a temporary health problem of 6 months' duration or less,
- (b) being the primary caretaker of a child 12 months old or younger, or
- (c) any other circumstances that, in the opinion of the Director, make the member temporarily unavailable for work.

**(2)** Subsection (1) does not apply to a household unit living in an institution referred to in section 3(2)(b)(i) of this Schedule.

**Child supplement**

**5(1)** A child supplement allowance may be provided to a barriers to full employment household unit, an expected to work or working household unit or a non-EI full-time learner household unit as determined by the Minister.

**(2)** Repealed AR 88/2016 s7.

**(3)** Subsection (1) does not apply if

- (a) the Canada Child Benefit is not being received because it is being applied to an overpayment, unless the Director considers that the repayment creates or will create an undue financial hardship for the household unit, or
- (b) the household unit is living in an institution referred to in section 3(2)(b)(i) of this Schedule.

**Special transportation and travel**

**6(1)** A special transportation and travel payment may be provided if a member of the household unit incurs unusual travel-related expenses as approved by the Director

- (a) for health, safety or treatment reasons,
- (b) to comply with Part 5 of the Act, or
- (c) to make a mandatory appearance in court in a criminal proceeding in Alberta.

**(2)** The special transportation and travel payment that may be provided under subsection (1)

- (a) is for the most economical and reasonable means of travel in the circumstances as determined by the Director in the following order of preference:
  - (i) the actual cost of public transportation;
  - (ii) a per kilometre allowance for use of a personal vehicle;
  - (iii) the actual cost of a taxi,and
- (b) may include
  - (i) if an overnight stay is necessary, the actual cost of reasonable accommodation, and
  - (ii) if the travel is for more than 24 hours, a daily food allowance.

**Training transportation**

**7** A training transportation allowance may be provided to a learner household unit for the use of a personal vehicle to attend an approved training program on a per kilometre allowance if

- (a) there is no public transportation, and
- (b) the learner is required to travel to another community to attend the approved training program.

**Additional shelter**

**8** If the maximum core shelter payment is not sufficient to obtain suitable accommodation, an additional shelter allowance may be provided to a household unit, other than an apprentice full-time

learner household unit, for an increased shelter expense in any of the following circumstances:

- (a) the household unit has 6 or more members;
- (b) the accommodation has been adapted to accommodate a disabled member of the household unit's disability;
- (c) the Director is satisfied that the health of a member of the household unit would be endangered by a move to more affordable accommodation.

#### **Isolated community**

**9** An isolated community allowance may be provided to each member of a household unit if the household unit is living in a permanent community that does not have all-season road access.

#### **High cost community**

**10** A high cost of living allowance may be provided to a learner household unit, other than an apprentice full-time learner household unit, if the household unit lives in private housing in a high cost community designated by the Minister.

#### **Housing — apprentice**

**11(1)** This section applies to an apprentice full-time learner household unit with a principal residence in Alberta.

**(2)** A housing allowance may be provided in an amount that must not exceed the amount by which the following monthly housing expenses exceed the applicable core shelter benefit:

- (a) if the principal residence is owned, the mortgage, utilities, property insurance and property taxes;
- (b) if the principal residence is rented, rent and utilities.

#### **Temporary accommodation — apprentice**

**12** A temporary accommodation allowance may be provided to an apprentice full-time learner household unit with a principal residence in Alberta if the learner is required to reside temporarily in another community in Alberta to attend the approved training program for

- (a) the additional costs of the temporary accommodation, and
- (b) a return trip home per month on a per kilometre allowance.

#### **Relocation**

**13** A relocation payment may be provided for expenses in relocating a household unit to a new principal residence by the

most economical and reasonable means in any of the following circumstances:

- (a) the move is essential because it assures the household unit's reasonable future financial independence and
  - (i) an adult member of the household unit has accepted or is accepting confirmed full-time employment, and
  - (ii) the move is within Alberta or elsewhere in Canada;
- (b) the move is essential to escape a situation in which a member of the household unit is being abused and
  - (i) the move is required for the member's safety, and
  - (ii) the move is within Alberta or elsewhere in Canada;
- (c) the move is essential for the household unit's financial or social support and is within Canada but outside of Alberta.

#### **Household start-up — institution or abuse**

**14** A household start-up payment may be provided for establishing a principal residence if

- (a) the household unit was living in an institution and is moving back into the community, or
- (b) the household unit is required to leave its existing principal residence to establish a new principal residence to escape abuse.

#### **Employment training and transition support**

**15(1)** An employment and training allowance may be provided for necessary and reasonable items not otherwise provided for under this Regulation that are required to transition and support an adult member who is

- (a) seeking employment,
- (b) working and requires assistance to cover the costs of working, or
- (c) applying for or participating in a training or employment program required or approved by the Director.

**(2)** An amount referred to in subsection (3)(a) or (b) may be provided to a member of a household unit designated as barriers to full employment who requires regular access to a day or

employment program that supports that person's participation in society or assists that person in obtaining employment.

**(3)** The amount that may be provided under this section includes, without limitation, the following:

- (a) in areas where public transportation is available, the cost of a monthly transit pass;
- (b) where the individual cannot reasonably be expected to use public transportation or there is no public transportation, an allowance on a per kilometre basis or the actual cost of a taxi;
- (c) costs associated with operating a vehicle;
- (d) costs associated with training and employment;
- (e) costs of other goods and services that are essential for training and employment.

#### **Child care**

**16(1)** If the Director is satisfied that child care is essential and reasonable, a child care payment may be provided for the household unit's most economical child care costs as follows:

- (a) if the child care is provided by a child care program in a category designated by the Director,
  - (i) the application fee and required deposit,
  - (ii) if it is subsidized, the parent portion of the subsidized child care fee, and
  - (iii) if it is not subsidized, the actual costs of the child care fee;
- (b) for private child care, up to the amount provided for by the Minister.

**(2)** Child care expenses cannot be reimbursed for child care provided by a parent, stepparent or a person having custody of the child or a person living in the same residence as the child.

#### **Natal and adoptive needs**

**17** A natal and adoptive needs payment may be provided for equipment and clothing for a child less than 12 months of age if a dependent child has been or will be born or adopted into the household.

**Registered Education Savings Plan**

**18** A Registered Education Savings Plan payment may be provided

- (a) in the amount determined by the Minister to cover expenses related to setting up a Registered Education Savings Plan for a dependent child to receive a grant under section 2 of the *Alberta Centennial Education Savings Plan Act*, and
- (b) in the amounts required for the purpose of receiving additional grants under section 3 of the *Alberta Centennial Education Savings Plan Act*.

**Child school expense**

**19** A child school expense payment may be provided for school expenses if a dependent child is being educated as required under the *Education Act*.

**Abusive situation**

**20** An abusive situation allowance for telephone service and for transportation purposes may be provided if it is required to assist a household unit address an abusive situation.

**Special diet**

**21** A special diet allowance may be provided if it is medically necessary for a member of the household unit to follow a special diet.

**Residential addictions treatment**

**22** A residential addictions treatment allowance may be provided for room and board expenses for each adult member of a household unit attending a necessary residential addictions treatment program that is funded or operated by Alberta Health or that is approved by the Minister.

**Utility access**

**23(1)** A utility access payment may be provided to cover the actual costs of a connection charge, reconnection charge or deposit for a utility service.

(2) Subsection (1) does not include telephone access.

**Income tax**

**24** A payment may be provided to the Government of Canada on behalf of an apprentice full-time learner household unit or an EI full-time learner household unit for the purpose of paying income tax related to the provision of income support and benefits or training benefits in an amount determined by the Minister.

**Funeral**

**25(1)** A funeral payment may be provided for

- (a) funeral services to bury or cremate a person in Alberta, or
- (b) transportation services to transport the body of a person who has died in Alberta to be buried or cremated in another Province of Canada

if the financial resources of the legally responsible person are inadequate and there are no other means to pay.

**(2)** The payment must be made in accordance with an agreement entered into between the Minister and the service provider.

**Emergency**

**26(1)** An emergency payment may be provided for the items described in subsection (2) if the household unit

- (a) is in a situation that
  - (i) is beyond the control of the household unit, and
  - (ii) presents a serious health or safety risk to a member of the household unit,

and

- (b) requires assistance before other amounts are payable under this Regulation.

**(2)** An emergency allowance may be provided for the following:

- (a) replacement clothes;
- (b) food;
- (c) accommodation;
- (d) unpaid rent that is not owing to extended family;
- (e) a damage deposit, if one has not been provided to the household unit in the previous 3 years for a purpose other than escaping abuse;
- (f) unpaid utility bills;
- (g) to cover the actual cost of essential repairs to the home and major appliances owned by the household unit that are required to address a serious health or safety risk;

(h) goods and services not described in clauses (a) to (g) to a maximum amount determined by the Minister.

(3) A payment may be made to a household unit under subsection (2)(h) only once in respect of each set of circumstances.

**Medical or surgical**

**27(1)** The Minister may provide a medical or surgical payment for medical or surgical equipment or supplies required by a member of a household unit if a physician provides a written opinion that the item is essential for the medical management of the member's condition.

(2) The payment must be for the actual cost of the most economical item available and must not exceed an amount determined by the Minister.

**Other needs**

**28** The Minister may provide a payment or an allowance for any other thing or service the Minister considers a necessity that is not available to the household unit under any other program or service.

AR 122/2011 Sched. 4;67/2012;170/2012;88/2016;223/2018;  
81/2019

**Schedule 5** Repealed AR 223/2018 s12.





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