



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

SUPPORTS FOR PERSONS WITH DISABILITIES ACT GENERAL REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to March 1, 2025. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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GENERAL REGULATIONS

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SUPPORTS FOR PERSONS WITH DISABILITIES ACT

CHAPTER S-9.2

GENERAL REGULATIONS

Pursuant to section 21 of the *Supports for Persons with Disabilities Act* R.S.P.E.I. 1988, Cap. S-9.2, Council made the following regulations:

PART 1 – INTERPRETATION AND ADMINISTRATION

1. Definitions

(1) In these regulations,

- (a) “**Act**” means the *Supports for Persons with Disabilities Act* R.S.P.E.I. 1988, Cap. S-9.2;
- (b) “**applicant**” means a person with a disability by whom or on whose behalf an application is made for supports or assured income;
- (b.1) “**community care facility**” means a community care facility as defined in the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13;
- (c) “**health care practitioner**” includes
 - (i) an audiologist,
 - (ii) a dietitian, registered under the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1,
 - (iii) a medical practitioner, licensed under the *Medical Act* R.S.P.E.I. 1988, Cap. M-5,
 - (iv) an occupational therapist, registered under the *Regulated Health Professions Act*,
 - (v) an optometrist, licensed under the *Optometry Act* R.S.P.E.I. 1988, Cap. O-6,
 - (vi) a physiotherapist, registered under the *Regulated Health Professions Act*,
 - (vii) a psychologist, registered under the *Psychologists Act* R.S.P.E.I. 1988, Cap. P-27.2,
 - (viii) a registered nurse or nurse practitioner, registered under the *Regulated Health Professions Act*, and
 - (ix) a speech language pathologist;
- (d) “**health number**” means a health number as defined in the *Provincial Health Number Act* R.S.P.E.I. 1988, Cap. P-27.01;

- (e) “**social assistance**” means social assistance as defined in the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3;
- (f) “**spouse**” means an individual who, in respect of another person,
 - (i) is married to the other person,
 - (ii) has entered into a marriage with the other person that is voidable or void, or
 - (iii) is not married to the other person but is cohabiting with the other person in a conjugal relationship.

Agency

- (2) For greater certainty, a reference in the Act or these regulations to a person with a disability in the context of making an application, providing information or documentation, or receiving funds or notices includes an agent of the person where the person is a minor or is otherwise not fully capable of acting on the person’s own behalf. (EC737/21; 177/25)

2. Person with a disability

In determining whether a person is a person with a disability for the purposes of the Act and these regulations, the Director may request that the person

- (a) consult with, and provide documentation respecting the consultation from, one or more health care practitioners; and
- (b) participate in assessments of the person’s impairment and the effect it has on the person’s ability to function in the person’s home, the community or a workplace. (EC737/21)

3. Resident

For the purposes of the Act and these regulations, a person is considered to be a resident of Prince Edward Island if the person is legally entitled to remain in Canada and makes his or her home in and is ordinarily present in Prince Edward Island, except where the person is a tourist, a visitor to the province, a member of the Canadian Armed Forces, a student ordinarily resident in another jurisdiction, or a person serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act* (Canada) R.S.C. 1985, Chap. P-5. (EC737/21)

4. Spouse

The Director may presume that two persons who appear to be married or cohabiting in a conjugal relationship are spouses, subject to evidence satisfactory to the Director rebutting that presumption. (EC737/21)

5. Duties of Director

The Director shall

- (a) conduct periodic audits of the program and individual files; and
- (b) conduct the investigations the Director considers necessary to verify the information provided by a person with a disability or another person. (EC737/21)

6. Documents, information, other evidence

The Director may require a person to provide the documents, information and other evidence necessary to determine the person’s eligibility for supports or assured income and the type or amount of supports or assured income to be provided. (EC737/21)

PART 2 – SUPPORTS

Interpretation

7. Definitions

In this Part,

- (a) “annual income threshold” means the annual income threshold by family size set out in Table 1 of Schedule B;
- (b) “applicant contribution” means the monetary amount that an applicant is required to contribute to the cost of supports;
- (c) revoked by EC177/25;
- (d) “long-term care facility” means
 - (i) a manor or similar facility owned and operated by the government, or
 - (ii) a nursing home licensed under the *Community Care Facilities and Nursing Homes Act*;
- (e) “notice of assessment” means a notice of assessment issued in respect of a taxpayer under the *Income Tax Act* (Canada);
- (f) “recipient” means a person with a disability to or for whom the Director provides supports and includes a person whose supports have been suspended but not cancelled;
- (g) “technical aid or assistive device” means an aid or device that is used to support or improve the ability of a person with a disability to function at home, in the community or in a work place. (EC737/21; 177/25)

Types of Supports

8. Types of supports

- (1) The following types of supports may be provided under the program:
 - (a) community supports to assist a recipient to participate in the community and access community services, including social opportunities, assistance with transportation and employment and vocational supports;
 - (b) housing-related supports, including funding for home or vehicle modifications;
 - (c) personal supports to assist a recipient to live with independence, including assistance with personal care and domestic responsibilities, life skills development programs, and technical aids and assistive devices;
 - (d) caregiver supports, including respite services.

Not supports

- (2) Supports do not include
 - (a) childcare for children under 12 years of age;
 - (b) counselling or therapy services;
 - (c) medical, dental, nursing or optical services;
 - (d) medical-related travel;
 - (e) paramedical services, including physiotherapy, chiropractic, massage therapy or speech therapy. (EC737/21)



9. Employment and vocational supports

- (1) Employment and vocational supports may include
- (a) vocational assessments, counselling or training programs;
 - (b) preparatory courses for training or post-secondary education;
 - (c) post-secondary support services, including a personal care attendant, reader, interpreter or note-taker;
 - (d) employment search and retention services, including assistance with resume preparation and applications, equipment or technical devices;
 - (e) subject to subsection (2), modifications to a place of training, education or employment;
 - (f) co-operative work or study opportunities; and
 - (g) transportation assistance to facilitate access to other employment and vocational supports.

Duty to accommodate

- (2) Employment and vocational supports shall not include accommodations that are the responsibility of an employer or other person in accordance with the *Human Rights Act* R.S.P.E.I. 1988, Cap. H-12. (EC737/21)

10. Technical aids and assistive devices

- (1) On the recommendation of a health care practitioner approved by the Director, the following categories of technical aids and assistive devices may be provided as supports:
- (a) bathroom aids;
 - (b) bedroom aids;
 - (c) communication devices;
 - (d) feeding equipment;
 - (e) hearing aids;
 - (f) household aids;
 - (g) orthotic devices;
 - (h) ostomy supplies;
 - (i) positioning and ambulation aids, including wheelchairs;
 - (j) prosthetic devices;
 - (k) visual aids.

Items not included

- (2) The following are not considered technical aids and assistive devices for the purposes of the Act and these regulations:
- (a) clothing;
 - (b) supplies related to diabetes;
 - (c) food, vitamins and dietary supplements;
 - (d) medical equipment and supplies;
 - (e) prescription medications;
 - (f) respiratory equipment and supplies;
 - (g) sports and recreation equipment.

Maintenance and repair

- (3) The provision of technical aids and assistive devices as supports includes the maintenance and repair of those technical aids and assistive devices.

Ownership of aid or device

- (4) Where 75% or more of the purchase price of a technical aid or assistive device is funded under the program, the Director may require a recipient or former recipient to surrender the technical aid or assistive device to the Director when the recipient or former recipient has no further use for it or is no longer entitled to its use. (EC737/21)

11. Modification to residence, vehicle

- (1) Subject to subsections (2) and (3), supports may be provided for the following:
- (a) a modification or fixed addition to the primary residence of a recipient that is owned by the recipient or the recipient's parent, guardian or spouse;
 - (b) a modification to the primary vehicle used to transport a recipient that is owned by the recipient or the recipient's parent, guardian or spouse.

Maximum cost, modification or fixed addition

- (2) The cost of supports provided under clause (1)(a) shall not exceed the lesser of
- (a) the minimum amount necessary to assist a recipient in alleviating restrictions in the recipient's ability to function in the recipient's home; and
 - (b) \$10,000 every 10 years.

Maximum cost, vehicle modification

- (3) The cost of supports provided under clause (1)(b) shall not exceed the lesser of
- (a) the minimum amount necessary to assist a recipient in alleviating restrictions in the recipient's ability to function in the community or a workplace; and
 - (b) \$6,000 every eight years. (EC737/21)

Eligibility**12. Health number**

- (1) In addition to the requirements in subsection 5(2) of the Act, to be eligible for supports, an applicant shall have a health number.

Person not eligible

- (2) An applicant may not be eligible for supports while the applicant is
- (a) in the temporary or permanent custody of the Director of Child Protection;
 - (b) an inpatient in a hospital;
 - (c) a resident of a long-term care facility or community care facility; or
 - (d) confined to a correctional facility.

Director may refuse

- (3) The Director may refuse to provide supports to an applicant if
- (a) the applicant has a debt due to the Government pursuant to the Act or the *Social Assistance Act*, for which payment arrangements have not been made;

- (b) the applicant or the applicant's spouse has previously obtained supports, income support or social assistance through misrepresentation or fraud;
- (c) the applicant or the applicant's spouse fails to provide information and supporting documentation required by the Director, the Act or these regulations, in the time and manner required by the Director, the Act or these regulations; or
- (d) the applicant fails to complete the application process or participate in assessments and support planning, as required by the Director, the Act or these regulations.

Person over age 65

- (4) The Director may provide supports to an applicant who is not eligible for supports where the applicant was over 65 years of age when the applicant became a person with a disability as a result of an accident, injury or other unexpected event that is not age-related or health-related. (EC737/21)

Determination of Supports***Method of Determination*****13. Determination of supports**

The Director shall determine the supports to be provided, if any, to an applicant by

- (a) determining the unmet needs of the applicant that are directly related to the applicant's disability;
- (b) determining the degree of restriction in the applicant's ability to function at home, in the community or in a workplace, attributable to the applicant's disability, and the maximum funding that may be provided to the applicant based on the applicant's level of independence, in accordance with section 16;
- (c) calculating the applicant contribution in accordance with sections 17 and 18; and
- (d) developing a support plan for the applicant and determining the monthly funding that may be provided to the applicant, in accordance with section 19. (EC737/21)

Unmet Needs**14. Other sources of assistance**

Supports may only be provided for the purpose of meeting an unmet need of an applicant that is directly related to the applicant's disability, after the applicant has accessed any and all other available sources of assistance to meet the unmet need. (EC737/21)

15. Assessment of unmet needs

An assessment of the unmet needs of an applicant that are directly related to the applicant's disability may include

- (a) the self-assessment and input of the applicant;
- (b) the assessment of the Director;
- (c) the assessment and input of one or more health care practitioners familiar with the applicant; and
- (d) the input of family members and support personnel of the applicant. (EC737/21)

Assessment of Ability and Maximum Funding

16. Assessment tools

- (1) The Director may establish or adopt assessment tools for the purposes of determining, in respect of an applicant,
 - (a) the abilities and challenges of the applicant;
 - (b) the degree of restriction in the applicant's ability to function at home, in the community or in a workplace, attributable to the applicant's disability; and
 - (c) the level of support required by the applicant to alleviate the restriction referred to in clause (b).

Maximum monthly funding for supports

- (2) The maximum monthly funding for supports that may be provided to an applicant is equal to the amount shown in the column titled "Maximum Monthly Funding" in Schedule A, opposite the applicable level in the column titled "Level of Support Required" determined through the assessment. (EC737/21)

Calculation of Applicant Contribution

17. Income of recipient

- (1) In this section and section 18, the income of an applicant includes the income of the applicant's spouse, if applicable, unless the applicant and the applicant's spouse are living separate and apart due to the breakdown of the relationship.

Income of individual

- (2) For the purpose of subsection (1), the income of each individual is the amount indicated on line 236 of the individual's notice of assessment for the most recently completed taxation year.

Income, self-employment

- (3) Notwithstanding subsection (2), where an individual earned income from self-employment in the most recently completed taxation year, the income of that individual is the average of the amounts indicated on line 236 of the individual's notices of assessment for the years in which that individual earned income from self-employment during the three most recently completed taxation years.

Imputed income

- (4) Notwithstanding subsections (2) and (3), where an individual did not earn income in the most recently completed taxation year or the Director is of the opinion that an individual's income as calculated in accordance with subsection (2) or (3) is not a fair representation of the individual's ability to contribute to the cost of supports, the Director may impute the amount of income to the individual that the Director considers appropriate in the circumstances.

Income deemed \$0

- (5) Notwithstanding subsections (1) to (4), the income of an applicant is deemed to be \$0 where the applicant is
 - (a) a dependent under 18 years of age; or
 - (b) in receipt of assured income. (EC737/21)

18. Applicant contribution

- (1) The applicant contribution to the cost of supports shall be equal to the percentage of the total cost of supports shown in the column titled “Percentage Applicant Contribution” in Table 2 of Schedule B, opposite the applicable range of income of the applicant above the annual income threshold under the column titled “Applicant Income Above Annual Income Threshold” in Table 2 of Schedule B.

Technical aids and assistive devices

- (2) Notwithstanding subsection (1), where the only cost of supports is for a technical aid or assistive device, the applicant contribution shall be equal to the percentage of the total cost of the technical aid or assistive device shown in the column titled “Percentage Technical Aids or Assistive Devices” in Table 2 of Schedule B, opposite the applicable range of income of the applicant above the annual income threshold under the column titled “Applicant Income Above Annual Income Threshold” in Table 2 of Schedule B. (EC737/21)

Support Plan and Calculation of Monthly Funding**19. Support plan**

- (1) The Director shall develop a support plan for an applicant, in collaboration with the applicant and any family members or support personnel of the applicant that the applicant chooses to involve.

Contents of support plan

- (2) In a support plan, the Director shall
- (a) identify the unmet needs of the applicant related to the applicant’s disability;
 - (b) identify supports that may assist in meeting one or more of the unmet needs of the applicant directly related to the applicant’s disability;
 - (c) set out goals related to meeting one or more of the unmet needs of the applicant directly related to the applicant’s disability;
 - (d) establish an action plan for achieving the goals; and
 - (e) calculate the monthly funding for supports that may be provided to the applicant, in accordance with subsection (3).

Calculation of monthly funding

- (3) The monthly funding for supports that may be provided to an applicant under the program shall be determined by subtracting the applicant contribution to the cost of supports, determined in accordance with section 14, from the monthly cost of supports identified in the support plan, subject to the applicable maximum monthly funding for supports established under subsection 16(2).

Amortization of lump sums

- (4) Where a lump sum payment is required for a technical aid or assistive device, or a home or vehicle modification, the lump sum cost may be amortized in accordance with Schedule C to determine the monthly cost. (EC737/21)

20. Copy of support plan and notice

Within 45 days of completing a support plan, the Director shall provide a copy of the support plan to the applicant. (EC737/21)

Provision of Supports

21. Time of payment

- (1) Any support funds shall be provided on a monthly basis, except where a lump sum payment is required for the acquisition or maintenance of a technical aid or assistive device, or a modification or fixed addition under section 11.

Manner of payment

- (2) Support funds may be paid to
- (a) the recipient;
 - (b) a parent, guardian, spouse or other agent of the recipient; or
 - (c) a third party who provides supports in the form of goods or services to the recipient. (EC737/21)

22. Conditions of receipt

A recipient is subject to the following conditions to continue to receive supports:

- (a) the recipient shall provide to the Director information and supporting documentation required by the Director, the Act or these regulations, in the time and manner required by the Director, the Act or these regulations;
- (b) the recipient shall give notice of changes in circumstances in accordance with section 7 of the Act;
- (c) the recipient shall keep records, receipts and other documentation as required by the Act and these regulations;
- (d) the recipient shall pursue and access, where eligible, all other available sources of support related to the recipient's disability;
- (e) the recipient shall participate in reviews in accordance with section 8 of the Act and these regulations. (EC737/21)

23. Record form, receipts

A recipient shall, in respect of the supports the recipient receives or utilizes,

- (a) keep a record, in the form required by the Director; and
- (b) keep receipts and other supporting documentation. (EC737/21)

Review

24. Annual review

- (1) For the purposes of section 8 of the Act, the Director shall conduct a review of the eligibility of a recipient for supports and the supports being provided to the recipient at least once annually.

Review process

- (2) A review conducted in accordance with subsection (1), or on the request of the recipient or at the discretion of the Director, shall include
- (a) the consideration of any factors affecting the recipient's eligibility for supports;

- (b) a review of the last assessment in respect of the recipient conducted in accordance with subsection 16(1);
- (c) an assessment in respect of the recipient conducted in accordance with subsection 16(1), where one is required in accordance with Schedule D;
- (d) a calculation of the income of the recipient and recipient's contribution in accordance with sections 17 and 18;
- (e) a review of the recipient's existing support plan and records of supports received or utilized since the support plan was created; and
- (f) the development of an updated support plan.

Application of previous sections

- (3) Sections 12 to 20 apply, with any necessary changes, to a review conducted in accordance with subsection (2). (EC737/21)

Suspension or Cancellation

25. Director may suspend or cancel supports

- (1) In addition to the circumstances set out in section 9 of the Act, the Director may suspend or cancel the provision of supports to a recipient where the recipient
 - (a) is surrendered or ordered into the temporary or permanent custody of the Director of Child Protection;
 - (b) is hospitalized or sentenced to a correctional facility for more than 30 consecutive days; or
 - (c) becomes a resident of a long-term care facility or community care facility.

Effective on service of notice

- (2) The suspension or cancellation of supports is not effective until notice of it has been served on the recipient in accordance with section 15 of the Act. (EC737/21)

PART 3 – ASSURED INCOME

Interpretation and Administration

26. Definitions

In this Part,

- (a) “**care services**” means care services as defined in the *Community Care Facilities and Nursing Homes Act*;
- (a.1) “**dependent**” means a child of an applicant or recipient, or a child of the applicant's or recipient's spouse, who
 - (i) is either
 - (A) under 18 years of age and lives with the applicant or recipient, as the case may be, or
 - (B) 18 years of age or over, but under 25 years of age, and attending a full-time education program, and
 - (ii) is not receiving assured income or social assistance;

- (b) “**established rates**” means the rates for categories of assured income established by the Lieutenant Governor in Council in accordance with section 10 of the Act;
- (c) “**financial resources**” means the financial resources of an applicant, determined in accordance with sections 35 to 38;
- (d) “**recipient**” means a person with a disability to whom or for whom the Director provides assured income and includes a person whose assured income has been suspended but not cancelled. (*EC737/21; 177/25*)

27. Maximum period of assured income

- (1) Except where otherwise provided, the Director shall not provide assured income to a person with a disability for more than 12 months, after which time the person shall renew the person’s application for assured income.

Renewal or review

- (2) Where a person with a disability renews an application for assured income or the Director conducts a review pursuant to section 13 of the Act, sections 28 to 38 apply with any necessary changes. (*EC737/21*)

Eligibility

28. Health number

In addition to the requirements in subsection 12(2) of the Act, to be eligible for assured income an applicant shall have a health number. (*EC737/21*)

29. Eligibility of minor

- (1) In addition to the requirements in subsection 12(2) of the Act, to be eligible for assured income an applicant who is under 18 years of age shall meet the following conditions:
 - (a) the applicant is living separate and apart from the applicant’s parents;
 - (b) in the opinion of the Director, the home of a parent of the applicant is not available or suitable accommodations for the applicant;
 - (c) the applicant is not in the temporary or permanent custody of the Director of Child Protection; and
 - (d) subject to the abilities of the applicant, the applicant is in full-time attendance in an education or training program.

Continued eligibility

- (2) Where a recipient who is under 18 years of age turns 18 years of age, the recipient continues to be eligible for assured income while in full-time attendance in an education or training program.

Does not affect legal obligations

- (3) The provision of assured income to a recipient under 18 years of age does not affect any legal obligations of a parent or guardian of the recipient in relation to the recipient. (*EC737/21*)

30. Applicant not eligible

- (1) In addition to the circumstances set out in subsection 12(3) of the Act, an applicant may not be eligible for assured income where

- (a) subject to subsection (2), the applicant or the applicant's spouse, if applicable, is voluntarily absent from employment without reasonable excuse;
- (b) the applicant is separated from the applicant's spouse for the purpose of establishing eligibility for assured income; or
- (c) the applicant or the applicant's spouse, if applicable, is receiving social assistance.

Strike or other labour dispute

- (2) Where an applicant or the applicant's spouse, if applicable, is voluntarily absent from employment due to participation in or support of a strike or other labour dispute, the applicant is not eligible for assured income in relation to any needs arising from this absence. (EC737/21)

31. Assured income, person not eligible

The Director may provide assured income to an applicant who is not eligible where the applicant is likely to become eligible if assured income is not provided. (EC737/21)

32. Payment on cessation of eligibility

- (1) The Director may provide assured income to a recipient for the month during which the recipient ceases to be eligible.

Optical, medical and dental expenses

- (2) Where a recipient ceases to be eligible for assured income due to income from employment, the Director may, for a period of up to 24 months,
 - (a) continue to provide assured income for optical expenses in accordance with section 51; and
 - (b) deem the person with a disability to be a recipient for the purposes of qualifying for medical or dental benefits provided through other programs.

Extension

- (3) Where the Director believes it is necessary to support the recipient's continued employment, the Director may extend the time period under subsection (2). (EC737/21)

33. Director may refuse

In addition to the circumstances set out in subsection 12(4) of the Act, the Director may refuse to provide assured income to an applicant where

- (a) the applicant has insufficient financial resources to provide for basic needs due to unreasonable budgeting and spending;
- (b) the applicant or the applicant's spouse, if applicable, has, within the preceding two years, made an assignment, sale or transfer of assets for the purpose of qualifying for assured income or social assistance; or
- (c) the applicant or the applicant's spouse, if applicable, has a debt due to the Government pursuant to the Act or the *Social Assistance Act* for which payment arrangements have not been made. (EC737/21)

34. Sufficiency of financial resources to meet needs

To determine whether an applicant has insufficient financial resources to provide for the basic needs of the applicant and the applicant's spouse and dependents, if applicable, the Director shall

- (a) inquire into the living conditions and other circumstances of the applicant and the applicant's spouse and dependents, if applicable;
- (b) calculate the cost of the basic needs of the applicant and the applicant's spouse and dependents, if applicable;
- (c) calculate the value of the financial resources of the applicant; and
- (d) subtract the amount calculated in clause (b) from the amount calculated in clause (c) to determine if there is a deficit. (EC737/21)

Financial Resources

35. Calculation of financial resources

- (1) For the purpose of the Act and these regulations, the value of the financial resources of an applicant is the sum of
 - (a) the income of the applicant and the applicant's spouse, if applicable; and
 - (b) the value of the assets of the applicant and the applicant's spouse, if applicable, that exceeds
 - (i) where the applicant has no spouse or dependents, \$5,000,
 - (ii) where the applicant has dependents, but no spouse, \$6,000 plus \$500 for each dependent, to a maximum of \$8,500, or
 - (iii) where the applicant has a spouse, \$10,000 plus \$500 for each dependent, if applicable, to a maximum of \$12,500.

Exception, community care facility

- (2) Notwithstanding subsection (1), where an applicant resides in a community care facility, for the purpose of determining whether the applicant is a person in need of income support for care services under subsection 39(2), the value of the financial resources of the applicant is the sum of
 - (a) where the applicant has no spouse,
 - (i) the income of the applicant, and
 - (ii) the value of the assets of the applicant that exceeds \$100,000; or
 - (b) where the applicant has a spouse,
 - (i) 50 per cent of the income of the applicant and the applicant's spouse, and
 - (ii) 50 per cent of the value of the assets of the applicant and the applicant's spouse that exceeds \$100,000. (EC737/21; 177/25)

36. Income

- (1) Subject to subsections (5), (6), (7) and (8), for the purposes of section 35, monies received from any source are considered income, including the following:
 - (a) income from employment and self-employment, including wages, commission, tips and training allowances;
 - (b) payments from income assistance programs, including employment insurance and emergency response and recovery programs;
 - (c) retirement allowances, severance pay and employment bonuses;
 - (d) payments from pensions, retirement funds, trust funds or investments;
 - (e) rental income;

- (f) a windfall, such as a bequest, settlement or lottery winnings;
- (g) student financial aid;
- (h) earned income from an interest in or the operation of a business.

Rental income

- (2) Where an adult who is not a dependent of an applicant resides in the principal residence of the applicant, the applicant shall be deemed to receive rental income from the adult in an amount that is, in the opinion of the Director, a fair rental rate.

Meals provided to other adults

- (3) Where an applicant provides meals to an adult who is not a dependent of the applicant, the applicant shall be deemed to receive payment from the adult in an amount that, in the opinion of the Director, reflects a fair value for the meals.

Support

- (4) For the purpose of the Act and these regulations, the Director may initiate or defend a proceeding in respect of support or property under the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1, on behalf of an applicant, with or without their consent.

Exempt from individual income

- (5) The following are exempt from consideration as income of an applicant or the applicant's spouse, if applicable:
 - (a) involuntary deductions from earned income made pursuant to federal taxation laws;
 - (b) deductible expenses from income earned from self-employment;
 - (c) an allowance for room and board expenses provided under a federal, provincial or employer-sponsored employment training program, provided that the person receiving the allowance is living in a place other than that person's principal residence and the allowance is used for the intended purposes;
 - (d) all or part of a training allowance exempted by the Director;
 - (e) monies received as financial aid for the purpose of attending a post-secondary educational program, and applied to the costs of tuition, books and educational supplies;
 - (f) monies withdrawn from a registered education savings plan, provided those monies are used for educational purposes;
 - (g) monies withdrawn from a registered disability savings plan;
 - (h) monies received from a government or a social service agency for providing foster care to a child;
 - (i) child support received under the *Family Law Act*, or the *Divorce Act (Canada)* or similar legislation in another jurisdiction;
 - (j) a child tax benefit paid under the *Income Tax Act (Canada)*;
 - (k) a goods and services tax (GST) or harmonized sales tax (HST) rebate;
 - (l) monies received from a non-profit group or organization or a community fundraiser for the purchase of items of basic or special need, not exceeding the value of the items to be purchased;
 - (m) insurance monies received for the replacement or repair of items, provided that the monies are used for that purpose within six months from the date of receipt;
 - (n) general damages or a similar type of compensation received by award or settlement in a judicial or quasi-judicial matter;

- (o) a payment received as a member of a class of persons from the Government of Canada or the government of a province or territory as compensation for a harm done;
- (p) a payment received as a member of a First Nation from the Government of Canada or the government of a province or territory in respect of a land claim;
- (q) cash transfers on the sale of a family home or vehicle arising from spousal separation or divorce, for a period of 90 days to facilitate the purchase of another home or vehicle.

Income tax refund exemption

- (6) The following amounts of income tax refunded are exempt from consideration as income in the calculation of the value of the financial resources of an applicant:
 - (a) where an applicant has no spouse or dependents, up to \$5,000 of income tax refunded to the applicant;
 - (b) where an applicant has dependents but no spouse, up to \$6,000 plus \$500 for each dependent, to a maximum of \$8,500, of income tax refunded to the applicant;
 - (c) where an applicant has a spouse, up to \$10,000 plus \$500 for each dependent, if applicable, to a maximum of \$12,500, of the total income tax refunded to the applicant and the applicant's spouse.

Windfall exemption

- (7) The following amounts of monies received as a windfall, including gifts, inheritances, lottery winnings or insurance settlements other than those referred to in clause (5)(m), are exempt from consideration as income in the calculation of the value of the financial resources of an applicant:
 - (a) where an applicant has no spouse or dependents, up to \$5,000 of windfalls received by the applicant;
 - (b) where an applicant has dependents but no spouse, up to \$6,000 plus \$500 for each dependent, to a maximum of \$8,500, of windfalls received by the applicant;
 - (c) where an applicant has a spouse, up to \$10,000 plus \$500 for each dependent, if applicable, to a maximum of \$12,500, of the total windfalls received by the applicant and the applicant's spouse.

Exempt from total income, subject to exception

- (8) Up to \$500 per month plus 30% of the amount exceeding \$500 of the total earned monthly income of an applicant and the applicant's spouse, if applicable, is exempt from consideration as income in the calculation of the value of the financial resources of the applicant, except where calculated for the purpose of determining the applicant's eligibility for assured income.
(EC737/21)

37. Assets

- (1) Subject to subsection (2), for the purposes of section 35, assets include
 - (a) real property;
 - (b) personal property;
 - (c) a lien or mortgage;
 - (d) cash, whether on hand or in a financial institution;
 - (e) the cash surrender value of a life insurance policy; and

- (f) the realizable value of investments, including stocks, bonds, debentures, mutual funds, investment certificates, registered retirement savings plans, registered retirement income funds and savings receipts.

Exempt from total assets

- (2) The following are exempt from consideration as assets of an applicant and the applicant's spouse, if applicable:
 - (a) the principal residence of the applicant, owned by the applicant or the applicant's spouse;
 - (b) real and personal property essential for the operation of a business, where the business ordinarily provides the principal source of income of the person, including a fishing craft and gear, livestock, seed for the upcoming year's crop, machinery, equipment and goods;
 - (c) personal belongings that are, in the opinion of the Director, reasonable in nature and value;
 - (d) one vehicle that is not used primarily as a recreational vehicle;
 - (e) one vehicle adapted for the applicant, if required;
 - (f) the realizable value of a registered educational savings plan or a registered disability savings plan;
 - (g) the value of a prepaid funeral, up to \$5,000;
 - (h) the cash surrender value of a life insurance policy, up to \$5,000. (EC737/21)

38. Assets to be sold or converted into cash

- (1) The Director shall not provide assured income to an applicant until the applicant and the applicant's spouse, if applicable, have sold or converted into cash all assets, other than those that are exempt from the calculation of financial resources, to support the applicant and the applicant's spouse and dependents, if applicable.

Exemption due to loss

- (2) The Director may exempt an asset from the calculation of the value of the financial resources of an applicant if selling the asset or converting it into cash would result in a loss exceeding 25% of the market value of the asset.

Exemption to allow for sale or conversion to cash

- (3) The Director may exempt from the calculation of the value of the financial resources of an applicant, an asset that may be sold or converted into cash without incurring a loss exceeding 25% of the market value of the asset, until the asset has been sold or converted or 90 days has elapsed, whichever occurs sooner.

Exemption past 90 days

- (4) The Director may continue to exempt an asset under subsection (3) past 90 days where the Director believes all reasonable attempts are being made to sell or convert the asset into cash. (EC737/21)

Provision of Assured Income

Basic Needs

39. Income support, items of basic need

- (1) Subject to subsection (2), the Director may grant income support to a recipient for items of basic need in accordance with sections 39.1, 40 and 41.

Community care facility

- (2) Where a recipient resides in a community care facility, the Director may grant income support, not exceeding the established rate, to the recipient for care services and sections 39.1, 40 and 41 do not apply in respect of the recipient. (EC737/21; 177/25)

39.1 Basic unit rate

- (1) In this section, “**basic unit rate**” means the established rate for items of basic need, other than those addressed in sections 40 and 41, for an adult or a child.

Food, clothing etc.

- (2) Subject to subsections (3) and (4), the Director may grant income support to a recipient for items of basic need, other than those addressed in sections 40 and 41, for the recipient and the recipient’s spouse and dependents, if applicable, at the basic unit rate for each person.

Special diet

- (3) Where a nutritionist or dietitian engaged by the Director determines that a recipient or the recipient’s spouse or dependent requires a special diet, the cost of which is not adequately covered by the basic unit rate, the Director may increase the income support granted for that person under subsection (2) by an amount the Director considers appropriate to cover the cost of the special diet.

Pregnancy

- (4) Where a recipient or the recipient’s spouse or dependent is pregnant, the Director shall increase the income support granted for that person under subsection (2) by an amount the Director considers appropriate to cover any additional cost of food for that person. (EC177/25)

40. Cost of shelter

- (1) The Director may provide assured income, not exceeding the established rate, for the cost of shelter for the recipient and the recipient’s spouse and dependents, if applicable, in any of the following:
- (a) rental accommodation, including the cost of rent, heat and electricity;
 - (b) accommodation owned or mortgaged by the recipient or the recipient’s spouse, including the cost of the mortgage payment, lot rental, heat, electricity and real property taxes;
 - (c) the home of a parent or other relative;
 - (d) the home of a non-familial support person or caregiver;
 - (e) revoked by EC177/25;
 - (f) other accommodations approved by the Director.

Shared accommodations

- (2) Where a recipient is sharing accommodations with a person other than the recipient's spouse or dependents, the Director may provide assured income for shelter in an amount equal to an equitable share of the cost of shelter, but not exceeding the established rate for shelter the recipient would receive if the recipient were not sharing accommodations.

Exceptional needs

- (3) Notwithstanding subsections (1) and (2), the Director may provide assured income exceeding the established rate for the cost of shelter where the cost exceeds the established rate due to exceptional needs of the recipient or the recipient's spouse or dependents.

Associated costs

- (4) The Director may provide assured income for the cost incurred by a recipient for
- (a) tenant or fire insurance;
 - (b) water and sewer service; and
 - (c) waste management.

Laundry

- (5) Where a recipient is required to pay for the use of a washer and dryer, the Director may provide assured income in the amount that the Director considers appropriate for laundry expenses. (EC737/21; 177/25)

41. Other basic needs

The Director may provide assured income at the established rate for communication expenses and community living expenses for a recipient and the recipient's spouse and dependents, if applicable. (EC737/21; 177/25)

Special Needs**42. Relocation expenses**

- (1) The Director may provide assured income in the amount that the Director considers appropriate for relocation expenses of the recipient and the recipient's spouse and dependents, if applicable, to
- (a) enable the recipient to return to the recipient's usual province of residence;
 - (b) enable the recipient or the recipient's spouse to assume suitable employment outside of the province, if written confirmation is provided that
 - (i) employment has been secured, and
 - (ii) no assistance is available from the employer or any other source for the relocation expenses; or
 - (c) assist the recipient or the recipient's spouse or dependent to relocate to a nursing home, community care facility or supported living facility.

One time assistance

- (2) Notwithstanding subsection (1), the Director shall not provide assured income in respect of the same recipient for the purpose of clause (1)(a) more than once.

Transportation expenses

- (3) The Director may provide assured income in the amount that the Director considers appropriate for transportation expenses of the recipient, the recipient's spouse or a dependent to
- (a) obtain medical or hospital services that cannot be obtained near the recipient's usual place of residence, provided that any services to be obtained outside of the province have been pre-approved under the *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2 or the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8;
 - (b) escort the recipient, the recipient's spouse or a dependent to obtain medical or hospital services in accordance with clause (a), provided that the Director is satisfied an escort is required;
 - (c) attend employment; or
 - (d) transport a dependent child to a childcare facility or a sitter.

Efficient, practical and cost-effective

- (4) The Director shall determine the most efficient, practical and cost-effective means of relocation or mode of transportation, as the case may be, for the purpose of this section. (EC737/21)

43. School allowance

The Director may provide assured income at the established rate for incidental school expenses of a dependent attending pre-kindergarten, kindergarten or primary or secondary school in the province, including school supplies, activity fees, locker fees and gymnasium clothing. (EC737/21)

44. Work-related items

The Director may provide assured income at the established rate for special clothing, mandatory licenses, fees or permits and essential tools, where the items are necessary to enable a recipient to commence or retain employment and the recipient is otherwise unable to pay for such items. (EC737/21)

45. Childcare expenses

The Director may provide assured income at the established rate for childcare expenses. (EC737/21)

46. Housekeeping or homecare services

The Director may, in exceptional circumstances and for a period not exceeding four consecutive months, provide assured income in the amount the Director considers appropriate for housekeeping or home-care services, where the Director determines that these services are necessary for the safety or well-being of the recipient and other reasonable arrangements cannot be made. (EC737/21)

47. Home maintenance or minor repairs

- (1) The Director may provide assured income at the established rate for maintenance or minor repairs to a recipient's primary residence if,

- (a) the recipient has been receiving assured income or social assistance for at least 12 months; and
- (b) the recipient's primary residence is owned by
 - (i) the recipient or the recipient's spouse, or
 - (ii) a non-familial support person or caregiver with whom the recipient resides.

Substantial repairs

- (2) The Director may provide assured income in the amount the Director considers appropriate for substantial repairs to the recipient's primary residence if
 - (a) the recipient's primary residence is owned by the recipient or the recipient's spouse;
 - (b) in the opinion of the Director,
 - (i) the repairs are essential to the health and safety of the recipient and the recipient's spouse and dependents, if applicable, and
 - (ii) the repairs are cost effective given the value of the property; and
 - (c) alternative government or commercial financing is unavailable or insufficient to complete the repairs.

Amount provided

- (3) The amount of assured income provided under subsection (2) shall not exceed the lesser of
 - (a) the actual cost of the repairs; and
 - (b) the deficiency remaining after available government or commercial financing.

Additional amount

- (4) Notwithstanding subsection (3), the Director may provide an additional amount of assured income for the purposes of subsection (2), subject to repayment by the recipient in accordance with section 17 of the Act. (EC737/21)

48. Essential furniture or appliances

The Director may provide assured income in the amount that the Director considers appropriate for the purchase or repair of essential furniture or appliances. (EC737/21)

49. Rental, utility deposits

The Director may provide assured income for an advance or deposit to secure rental accommodations, utility connections or other services, subject to repayment by the recipient in accordance with section 17 of the Act. (EC737/21)

50. Arrears for shelter, utilities

The Director may provide assured income for the payment of up to two months of arrears for shelter and utilities

- (a) where the arrears were accrued by the recipient prior to making an application for assured income, if
 - (i) the health and safety of the recipient and the recipient's spouse and dependents, if applicable, is endangered, and
 - (ii) the arrears resulted from a lack of financial resources; or

- (b) where the arrears were accrued while the applicant was receiving assured income, subject to repayment by the recipient in accordance with section 17 of the Act. (EC737/21)

51. Optical needs

The Director may provide assured income at the established rate for an optical assessment and single vision or bifocal lenses and frames for a recipient or the recipient's spouse or dependents, where, in the opinion of the Director, it is essential to the health and welfare of that person. (EC737/21)

52. Costs associated with death of recipient, spouse or dependent

- (1) On application by a recipient or the estate of a recipient, the Director may provide to the recipient or estate, as the case may be, assured income for basic costs associated with the death of the recipient, the recipient's spouse or a dependent, if the Director is satisfied that the value of the estate of the deceased person is insufficient to meet the costs and there are no alternative means of payment.

Costs that may be covered

- (2) In subsection (1), basic costs associated with the death of the recipient, the recipient's spouse or a dependent include the following:
 - (a) burial or cremation costs, at the established rate;
 - (b) the purchase of a gravesite, at local rates;
 - (c) the cost of opening and closing the grave, at local rates;
 - (d) the cost of transporting the body of the deceased to a funeral home within the province, from within or outside the province.

Value of estate

- (3) For the purposes of subsection (1), in determining the value of the estate of a deceased person, the Director shall include the following in the calculations:
 - (a) where the deceased person did not have a spouse or dependents, the value of the entire estate;
 - (b) where the deceased person had a spouse or dependents, one-half of the value of the estate,including assets that would otherwise be exempt under subsection 37(2). (EC737/21)

53. Other items of special need

The Director may provide assured income in the amount that the Director considers appropriate for other items of special need not included in this Part, if the Director determines that the items are necessary for the health, safety or well-being of a recipient or the recipient's spouse or dependents, if applicable. (EC737/21)

54. Record related to special need

The Director shall keep a record of the circumstances and considerations leading to the provision of assured income for a special need under sections 42 to 53. (EC737/21)

Conditions

55. Conditions of receipt

The following conditions apply in respect of the provision of assured income to a recipient:

- (a) the recipient and the recipient's spouse, if applicable, shall be willing to undertake employment or training in accordance with each person's capabilities;
- (b) the recipient and the recipient's spouse, if applicable, shall seek out financial resources that may be available to the recipient or the recipient's spouse, as the case may be, from all sources, including extended family members;
- (c) the recipient and the recipient's spouse, if applicable, shall, where required by the Director, assign to the Government any income or benefit that is considered to be a financial resource, paid or payable to the recipient or the recipient's spouse while the recipient is in receipt of assured income, not exceeding an amount equal to the total amount of assured income received by the recipient;
- (d) the recipient or the recipient's spouse, if applicable, shall initiate a proceeding to enforce the payment of a claim for support, a domestic contract or a court order respecting the obligation of another person to support the recipient or the recipient's spouse, as the case may be, unless the Director determines that doing so would be unreasonable, futile or adversely affect the recipient or the recipient's spouse;
- (e) where the recipient or the recipient's spouse is under 18 years of age, the recipient or the recipient's spouse, as the case may be, shall attend school or training leading towards employment or accept employment, in accordance with the person's abilities;
- (f) the recipient and the recipient's spouse, if applicable, shall use the assured income for its intended purposes and in the best interests of the recipient and the recipient's spouse and dependents, if applicable. (EC737/21)

General

56. Interim income, lower than established rate

- (1) Notwithstanding sections 42 to 53, for the purpose of subsection 12(5) of the Act, the Director may provide interim income for a basic or special need in an amount lower than the established rate, where, in the opinion of the Director, the lower amount is sufficient to meet the need on an interim basis.

Payments of interim income

- (2) The Director may make payments of interim income to
 - (a) the applicant;
 - (b) a parent, guardian, spouse or other agent of the applicant; or
 - (c) a third party who provides goods or services to the applicant, the cost of which is covered by interim income. (EC737/21)

57. Assured income, lower than established rate

- (1) Notwithstanding sections 42 to 53, the Director may provide assured income for a basic or special need in an amount lower than the established rate, where
 - (a) in the opinion of the Director, the lower amount is sufficient to meet the need; or
 - (b) the recipient requests a lower amount.

Payment of assured income

- (2) The Director may make payments of assured income to
- (a) the recipient;
 - (b) a parent, guardian, spouse or other agent of the recipient; or
 - (c) a third party who provides goods or services to the recipient, the cost of which is covered by assured income. *(EC737/21)*

Suspension or Cancellation**58. Director may suspend or cancel assured income**

- (1) In addition to the circumstances set out in section 14 of the Act, the Director may suspend, for up to 30 days, or cancel the provision of assured income to a recipient, where the recipient
- (a) is hospitalized or sentenced to a correctional facility for more than 30 consecutive days; or
 - (b) is separated from the recipient's spouse for the purpose of maintaining eligibility for assured income.

Effective on service of notice

- (2) The suspension or cancellation of assured income is not effective until notice of it has been served on the recipient in accordance with section 15 of the Act. *(EC737/21)*

PART 4 – GENERAL**59. Agreement with agent**

- (1) The Director may enter into an agreement with an agent of a person with a disability in respect of the receipt of funds for supports or assured income by the agent.

Disbursal and accounting

- (2) An agent shall disburse funds for supports or assured income on behalf of the person with a disability and submit an accounting of the receipt and disbursement of the funds or income in the form and at the times required by the Director.

No compensation or reimbursement

- (3) An agent is not entitled to any fee, compensation, reward or reimbursement of any costs or expenses charged or incurred by the agent in connection with administering funds for supports or assured income on behalf of the person with a disability. *(EC737/21)*

60. Service

- (1) Any notice, order or other document that is required to be served on a person under the Act or these regulations is considered served
- (a) upon a copy being personally served on the person to whom it is directed;
 - (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed, and an acknowledgement of receipt being received; or
 - (c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person.

Substituted service

- (2) Where it is impractical for any reason to serve a notice, order or other document in a manner referred to in subsection (1), an application may be made, without notice, to a judge of the Supreme Court who may make an order for substituted service providing for the steps to be taken to bring the matter to the attention of the person to be served. (EC737/21)

SCHEDULE A**MAXIMUM MONTHLY FUNDING**

Level of Support Required	Maximum Monthly Funding
Level 1	\$0
Level 2	400
Level 3	800
Level 4	1200
Level 5	1600
Level 6	2000
Level 7	2400
Level 8	2800
Level 9	3200
Level 10	3600
Level 11	4000

(EC737/21)



SCHEDULE B**TABLE 1 – ANNUAL INCOME THRESHOLDS**

Family Size (person with a disability + spouse + dependents)	Annual Income Threshold
1	\$19,708
2	27,871
3	34,134
4	39,415
5	44,067
6	48,273
7	52,171
8	55,743
9	59,124
10	62,321

TABLE 2 - APPLICANT CONTRIBUTION

Income Above Annual Income Threshold (range to the nearest dollar)	Percentage Applicant Contribution	Percentage Technical Aids or Assistive Devices
In receipt of assured income	0%	0%
\$1 - \$1,999	0	0
2,000 - 3,999	10	1
4,000 - 5,999	10	2
6,000 - 7,999	10	3
8,000 - 9,999	10	4
10,000 - 11,999	10	5
12,000 - 13,999	10	6
14,000 - 15,999	10	7

16,000 - 17,999	10	8
18,000 - 19,999	10	9
20,000 - 21,999	10	10
22,000 - 23,999	10	11
24,000 - 25,999	10	12
26,000 - 27,999	10	13
28,000 - 29,999	10	14
30,000 - 31,999	10	15
32,000 - 33,999	10.5	16
34,000 - 35,999	11	17
36,000 - 37,999	11	18
38,000 - 39,999	12	19
40,000 - 41,999	12.5	20
42,000 - 43,999	13	22
44,000 - 45,999	13.5	24
46,000 - 47,999	14	26
48,000 - 49,999	14.5	28
50,000 - 51,999	15	30
52,000 - 53,999	15.5	33
54,000 - 55,999	16	36
56,000 - 57,999	16.5	39
58,000 - 59,999	17	42
60,000 - 61,999	17.5	46
62,000 - 63,999	18	49
64,000 - 65,999	18.5	51
66,000 - 67,999	19	54

68,000 - 69,999	19.5	57
70,000 - 71,999	20	60
72,000 - 73,999	20.5	63
74,000 - 75,999	21	66
76,000 - 77,999	21.5	69
78,000 - 79,999	22	73
80,000 - 81,999	25	77
82,000 - 83,999	27	81
84,000 - 85,999	30	85
86,000 - 87,999	33	89
88,000 - 89,999	36	93
90,000 - 99,999	39	97
100,000 or over	100	100

(EC737/21)

SCHEDULE C

AMORTIZATION SCHEDULES

	Cost of Technical Aid or Assistive Device	Amortization Period in Years
1.	< \$2,000	1
2.	2,000 – 2,999	2
3.	3,000 – 3,999	3
4.	4,000 – 4,999	4
5.	> 4,999	5

	Cost of Home or Vehicle Modification	Amortization Period in Years
1.	< \$1,000	1
2.	1,000 – 1,999	2
3.	2,000 – 2,999	3
4.	3,000 – 3,999	4
5.	4,000 – 4,999	5
6.	5,000 – 5,999	6
7.	6,000 – 6,999	7
8.	7,000 – 7,999	8
9.	8,000 – 8,999	9
10.	9,000 – 10,000	10

(EC737/21)



SCHEDULE D
ASSESSMENT SCHEDULE

Type of Recipient	Minimum Frequency of Assessment
Adult - Level 11	Every 10 years up to age 65
Adult – Level 1 to 10	Every 5 years up to age 65
Child – aged 4 to 18 years	Every 2 years
Child < 4 years	At age 4 years
Adult aged 65 years	Within one year of turning age 65
Material change in circumstances of recipient < 65 years	On request of Director or recipient

(EC737/21)