

Reasons for Decision:

Order # AP1819-0257

<name removed> appealed that their application for Rent Assist benefits was denied.

The Rent Assist program representative stated that their office received a Rent Assist application and supporting documents from <name removed> on <date removed>. <name removed> enclosed a lease, which confirmed the lease effective date of <date removed>.

The application was assessed using the income reported on their <year removed> income tax return. The annual net income of <name removed> was <amount removed>. For a single person household, the annual net income must not exceed \$23,040. The Rent Assist program cannot assess benefits prior to the date the applicant started renting. As <name removed>'s lease was effective <date removed>, the program used their <date removed> income tax return according to the regulations.

<name removed> stated that according to the Rent Assist policies, their application was received prior to <date removed>, and therefore their <year removed> income tax information should have been used. The appellant's income was less in <year removed>, which would have made them eligible. <name removed> advised that they paid their rent on <date removed>, but the lease was not effective until <date removed>. The appellant wanted to get everything ready to send to the Rent Assist program prior to <date removed> as they thought they would then be eligible for the program based on their <year removed> income tax information, which is significantly lower than their <year removed> income.

Section 11.1.1(2) of the Manitoba Assistance Regulations states:

When an application for shelter assistance under this Part is made

- (a) in the first six months of a calendar year, a person's net income is to be determined based on the taxation year that ended on December 31 of the second preceding calendar year; and
- (b) in the last six months of a calendar year, a person's net income is to be determined based on the taxation year that ended on December 31 of the preceding calendar year.

After carefully considering the written and verbal information, the Board has determined that the legislation does not allow the Rent Assist program any discretion in determining which year's income should be used when calculating eligibility for Rent Assist. Under the regulations, the program must use <name removed>'s <year removed> income to

determine eligibility as their lease was not effective until <date removed>. <name removed> confirmed at the hearing they did not move in until <date removed>. If the lease was effective <date removed>, the program could have used their <year removed> income tax return. Therefore, the decision of the Director has been confirmed and this appeal is dismissed.

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