

Reasons for Decision:

Order #AP1920-0654

On <date removed>, the appellant filed an appeal against the Department's calculation of their Rent Assist subsidy. The decision letter was dated <date removed>.

The Department stated that, according to the Regulations, Rent Assist is based on the net income of every person living in a household. The definition of net income is the same as in The Income Tax Act. According to the Regulations, the net income to be used in calculating eligibility is the net income on the tax return in the preceding year when an application is filed after June 30 and before January 1.

The appellant applied on <date removed>, requiring the Department to assess the application based on their <year removed> income. The appellant's <year removed> net income was <amount removed>, resulting in a benefit of <amount removed> per month.

The Department stated there is no provision in the legislation to adjust the calculation for changed financial circumstances.

The appellant asked when their <year removed> income would be used for the calculation. The Department responded that the appellant's renewal month was December, so their <year removed> income would be used for their December <year removed> reapplication.

The appellant suggested they would be better off if they cancelled the current benefit and reapplied. The Department stated <year removed> income will not be used for applications filed prior to July 1. However, a file must be closed for three months before a new application will be considered, which means the appellant would not be able to file a new application until after July 1 anyway.

The appellant told the Board that, based on the Department's evidence, they believed they had little chance of success at appeal and a better option would be to close the file and reapply in three months.

After careful consideration of the written and verbal evidence submitted to it, the Board determined that the Department assessed the appellant's application correctly according to the legislation and regulations, and that there is no provision in the legislation for discretion. The Board confirmed the Director's decision calculating the Rent Assist subsidy.

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