

Manitoba Housing Rental Housing Programs

Policy Manual

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Rental Housing Programs

Manitoba Housing's rental housing programs are funded in part by the federal government through bilateral funding agreements. Under these agreements, Manitoba Housing must report on compliance with terms and conditions of those agreements. Manitoba Housing's rental housing program policies have been developed to help ensure that the core program parameters are applied and Manitoba is in compliance with bilateral agreements.

The Social Housing Rental Program

The Social Housing Rental Program provides low-income Manitobans in the greatest need with subsidized housing that is managed by housing providers including Manitoba Housing and non-profit organizations. Rents for these units are calculated as a percentage of household income to help families, individuals and seniors keep their housing costs below 30 per cent of their total adjusted household income.

There is a limited supply of subsidized rental units, and applicants are housed based on need, taking into consideration the affordability, suitability and adequacy of their current housing. To be eligible for social housing, household income must be below the program income limits.

The Affordable Housing Rental Program

The Affordable Housing Rental program allows existing tenants in social housing to transition to affordable housing if their income exceeds the social housing income limits. Affordable housing rents are based on median rents in the private market.

The Manual

The purpose of the manual is to guide delivery of the social and affordable rental programs and provide consistency and clarity for applicants, tenants and providers. These policies take into consideration equity among individuals in the programs and removal of barriers that affect access to, and transitions out of, the programs.

Rental Programs Objectives

- Support low income households in need of adequate, affordable, and suitable housing.
- Promote successful tenancies and support households, with the capacity, to transition out of the programs.

Rental Programs Principles

- The social and affordable rental programs provide adequate, affordable and suitable housing to households who face barriers to accessing housing at market rates in the private sector.
- Subsidized housing is a shared responsibility between governments, tenants and communities.
- Rental programs provide temporary assistance for individuals and families for as long as they require the assistance.
- We recognize that for some people, such as vulnerable persons or people with disabilities, the rental programs may be a more permanent housing solution.

Preamble

The rental housing programs provide housing to individuals and families who would not be able to find affordable, adequate or suitable housing in the private market.

To be eligible for the rental programs, applicants must first meet criteria such as housing need, citizenship, and income. Program applications help determine applicants' program eligibility.

Applicants and tenants must submit accurate information. When false or misleading information is submitted, fair and equitable access to the rental programs is compromised.

We consider family composition to find a unit with enough bedrooms to meet the needs of the household. We use the National Occupancy Standards as a guideline to determine unit size.

Once applicants have accepted their unit offer, the rental rate will be calculated on a rent geared to income scale or rent will be the Rent Assist component provided for households on EIA. Tenants in affordable housing will have rent calculated using the applicable flat rate.

Decisions made by program providers can have a direct effect on the lives of applicants and tenants. When an applicant or tenant does not agree with decisions made by a provider, an applicant or tenant may file an appeal that will be heard in a timely, fair and open manner. Applicants or tenants file an appeal when they feel a policy has been unfairly applied.

1. ELIGIBILITY

POLICY

To be eligible for the rental housing programs applicants must:

- complete a program application;
- have a total adjusted household income at or below the rental Program Income Limits (PILs);
- be in core housing need (SHRP);
- be a Canadian Citizen, permanent resident of Canada or refugee claimant;
- provide a rental history; and,
- pay outstanding debt owed to the program or sign an approved payment plan.

International students and Permanent Residents – Family Class are not eligible.

Program eligibility will be reviewed for tenants who are absent from the unit. Tenants must have prior written approval from a housing provider if an absence exceeds a period longer than established by the housing provider.

GUIDELINES

Acceptable reasons for an extended absence from a unit may include:

- education or employment purposes;
- seek treatment for a medical condition (physical, mental or addictions related); or
- care of an ill family member.

Program providers will verify eligibility annually where applicable.

Tenants must provide documents to verify eligibility.

EXCEPTIONS

Applicants will be considered if:

- They are permanent residents in the Family Class for whom sponsorship has broken down or ended and Employment and Income Assistance support has been granted;
- No rental history exists. Applicants can build a rental history with a provider or verify to a provider that they would be capable of meeting the terms of a tenancy agreement.

RATIONALE

Program Income Limits

Program income limits determine the income eligibility of households for either the social housing or affordable housing program.

Core Housing Need

- A household is in core housing need if one or more of the following criteria applies to their current housing situation:
- affordability – costs more than 30 per cent of the gross household income;
- suitability – does not have enough bedrooms for the household, guided by the National Occupancy Standards; and
- adequacy – requires any major repairs.

Application

Information provided on a rental program application assists housing providers in determining eligibility for a rental program and gathering the information required to comply with federal program funding. Providers may use an application developed by Manitoba Housing or develop their own application that is approved by Manitoba Housing.

Citizenship

Housing providers are responsible to ensure that people using the programs are Canadian citizens or permanent residents with legal status to live and work in Canada. Although refugee claimants are not permanent residents, Employment and Income Assistance will provide support while they wait for their asylum claim to be processed. Based on this, they are eligible for subsidized housing. Permanent residents in the Family Class category are not eligible for the program unless sponsorship has broken down.

Rental History

Applicants' rental history or references are used to determine if the applicants and their household members can abide by the terms of a tenancy agreement. If applicants have no, or a negative, rental history, this is not a barrier to eligibility. Housing providers may request personal references to determine if applicants can fulfill the terms of a tenancy agreement.

When applicants have a negative rental history, housing providers consider the potential risks to the tenant community. We make every effort to support applicants in securing housing, but in severe cases, we may decline an application based on a negative rental history.

Outstanding Debt

Applicants who are former tenants with outstanding debt to any housing provider may have to pay all outstanding debt to the program provider prior to being housed. Providers may choose to house an applicant with debt as long as a payment plan has been agreed.

Long Term Absence

During a tenancy, tenants may be absent from their unit for a period of time to pursue educational and employment opportunities or address family, personal or health related matters. Tenants must continue to pay rent and adhere to the Tenancy Agreement during any period of absence.

2. UNIT ALLOCATION

POLICY

Housing providers will use a unit allocation process that prioritizes applicants with higher core housing need.

Units offered must meet the physical needs of the household, support independent living and have the appropriate number of bedrooms to match the household composition.

Housing providers will move over-housed tenants to a unit with the appropriate number of bedrooms when one becomes available.

Guests who stay longer than one month, without approval from a housing provider, must apply for and be determined to be eligible for the rental program (see Eligibility Policy).

Adjustments to the size of unit will be determined once eligibility has been established.

Applicants and tenants must report all household composition changes.

Tenants must provide supporting documents when requested.

EXCEPTIONS

Tenants who are over-housed are not required to move when:

- there is an excess supply of housing;
- the household has dependents in school, they can remain in the unit until the end of the school year; or
- the household has temporarily lost custody of a dependent to a child welfare agency and they have an agency plan to reunify within two years.

Tenants who have received approval for a guest to stay longer than one month;

- will not be allocated a larger unit; and,
- will not be required to have their guest apply or the program.

GUIDELINES

We allocate a bedroom to each of the following:

- cohabiting adult couple;
- unattached household member 18 years of age and over;
- same-gender pair of dependents under age 18;
- opposite-gender pair of dependents under 5 years of age; and
- any other dependents.

A household of one individual can occupy a one bedroom unit or a studio unit based on availability.

Additional bedrooms may be allocated, if available, where:

- household members have medical needs that require additional space for equipment;
- applicants have custody of dependents for at least 40% of the time (12 days per month);
- applicants whose dependents are in the temporary custody of child welfare and have an agency plan to reunify within two years;

- households have guardianship of children for six months or longer; or,
- households have a kinship care arrangement

Examples of acceptable extended guests stays may include:

- assisting a household member who is ill or has a newborn;
- visiting from another community with obvious intent to return to their home.

RATIONALE

Unit Allocation – Greatest Need

To support the principles and objectives of the rental programs and to recognize that housing is a rationed program, the allocation process must ensure those in higher need are a priority.

Unit Allocation – Physical Needs

Tenants are required to fulfill the terms of their tenancy agreement. A unit needs to meet the physical needs of a household, recognizing that tenants may need additional supports to live independently and maintain their tenancy. The rental programs are not intended to provide housing to those who need housing with a higher level of care and support provided under another legislated authority such as supportive housing and personal care homes.

Bedroom Allocation

Bedroom allocation is based on the National Occupancy Standards. We recognize that circumstances exist where households may benefit from a slight variation from the standard.

The goal is to provide adequacy and safety for each household's situation. Units with space not designated as a bedroom (i.e. basements or closet space) may not meet building codes and pose a safety risk if the space is used as a bedroom. We recognize that people have a need to use available space but this should never jeopardize the safety of tenants or others.

Over Housed

Tenants are entitled to a unit with the appropriate number of bedrooms for their household. When a household grows, tenants are entitled to a unit with more bedrooms. Where there is demand, tenants cannot remain in a unit that has more bedrooms than required for their household. Moving tenants to an appropriate unit allows housing providers to meet the demands of the program.

Guests

Tenants may have guests from time to time. If a guest stays for an extended period, it may be necessary to include the guest as a household member for the purposes of unit size and rent.

3. INCOME

POLICY

Total annual adjusted household income (see Income Source Guide) will be used to determine: program eligibility, rent and rent adjustments.

EXCEPTION

- Annual adjusted household income excludes income from dependents under the age of 22 years.
- Annual adjusted household income excludes income from dependents aged 22-25 years when they study full time.
- Income from an approved live-in caregiver will be excluded when determining eligibility, rent or adjustments.

To determine income, housing providers must use one or more of the following documents:

- the most recent filed tax return provided by the Canada Revenue Agency;
- current budget information provided by Employment and Income Assistance; or
- proof of current income provided by household members if there is no tax return available.

Tenants must provide proof of household income at the request of housing providers at any point during a tenancy.

RATIONALE

To determine eligibility, rent or a rent adjustment for applicants and tenants, housing providers need to determine what the income is for the household. Providers use the most recent filed tax return for household members or budget statements in the case of Employment and Income Assistance.

When applicants or tenants have not filed a tax return, providers ask for proof of income that can be supplied in a variety of different ways.

Once all income has been identified, providers review and apply income exclusions as stated in the attached Income Inclusions and Exclusions Guide to arrive at an adjusted household income. We use the adjusted household income to determine eligibility, rent and rent adjustments.

4. RENT AND ADJUSTMENTS

POLICY

After establishing adjusted household income, rent geared to income and/or EIA Rent Assist rates will be used to determine the program rent for tenants in the social housing program.

After establishing adjusted household income, affordable rental rates will be used to determine program rent for tenants in the affordable housing program.

At the request of tenants, rent adjustments will be considered when a permanent change in total household income results in a decrease of more than 10 per cent annually.

Adjustments will take effect the month following the request for a three-month period, after which the payable rent will return to the previous amount.

Program rent and applicable fees (see Utilities and Fees Policy) will be calculated to arrive at a total payable rent.

Payable rent will be communicated to households at the beginning of their tenancy, annually and when an adjustment occurs.

EXCEPTIONS

- Program rent will not be less than the minimum rental rate. See Minimum Rate Policy.
- An adjustment will be extended past the three-month period where tenants demonstrate a continued reduction to the annual adjusted household income.

RATIONALE

Social Housing Rental Program

The primary benefit is a rental rate that does not exceed 30 percent of household income: referred to as “rent geared to income”. Paying rent geared to income ensures housing is affordable to tenants. Rents vary as household income changes. Heat, water and sewer are included in the rent.

We use the Rent Assist rate for EIA clients as the rent. This enables households to use the rest of their budget for their other basic needs.

Affordable Housing Rental Program

The primary benefit is an affordable rental rate for moderate income households whose household income is above the social income limit and below the affordable income limit. Households pay a rental rate based on median rents in the private market. Affordable rental rates are established annually.

Rent Adjustments

Rent is not adjusted downward for households with casual or seasonal employment during periods when income is reduced. This is already accounted for in the annual rent calculation. Rent is adjusted downward when household members experience a permanent decrease in income as a result of a loss of employment, permanent decrease in working hours, or reduced salary or wage.

5. MINIMUM RENTAL RATE

POLICY

Households will not pay a rental rate, excluding fees, less than the minimum rental rate established by Manitoba Housing.

EXCEPTIONS

Households in exceptional circumstances must have the minimum rental rate adjusted. This includes:

- Seniors who are not eligible for public pension programs including the Old Age Security, Guaranteed Income Supplement, or Canada Pension Plan.
- Tenants waiting to receive public assistance, insurance, or pension programs.

At the end of a three month period, tenants waiting for access to public assistance, insurance, or pension programs will have the rental rate adjusted to the greater of the minimum rent or the applicable program rental rate.

Upon request, tenants must provide supporting documents.

RATIONALE

A minimum rental rate supports balance between the rental rate charged and the subsidy provided to ensure that households pay a rental rate that is affordable and providers can continue to maintain the units and services they provide.

The minimum rental rate corresponds with Manitoba's minimum wage. Linking the rental rate to minimum wage ensures that half time minimum wage workers can pay the minimum rental rate. If the minimum wage does not increase, Manitoba Housing will not increase the minimum rental rate.

There are cases where the minimum rent will cause hardship to households who are ineligible for employment or social safety net programs. In these circumstances, we apply an exception.

Families may experience a total loss of income affecting their ability to pay rent. These interruptions are usually temporary and when they occur, households have options to replace the lost income through employment, insurance or social safety net programs. All Manitobans are responsible to access income options to provide the necessities of life including housing. The policy provides temporary exceptions for households who are unable to pay the minimum rent when income is not immediately available. When this occurs and a household has no income or the rent geared to income is below the minimum rent, the household pays the minimum rental rate.

6. UTILITIES

POLICY

Heat, water and sewer utilities are included in the program rent.

Housing providers do not pay electricity beyond heat (domestic consumable).

Where housing providers pay the utility provider, tenants are charged a flat rate for use of electricity beyond heat.

Where tenants are responsible to pay utilities directly to the utility company, credits are given for heat, water and sewer, where applicable.

Utility charges and credits will be reviewed annually

Failure to pay utility charges to housing providers or the utility provider violates the tenancy agreement.

RATIONALE

Heat, water and sewer are generally included in rental rates, however, credits are provided to tenants who pay for utilities directly to the utility provider. Costs for domestic consumable electricity (plugs and lights) is not included, therefore, a flat rate charge is applied to the rent.

7. FEES

POLICY

Housing providers will charge reasonable fees for:

- Parking
- Tenant Services, where applicable
- Maintenance, cleaning, replacements, or repairs beyond normal wear and tear to units
- Returned payments
- Replacement keys and access cards

Fees for replacement keys and access cards must reflect or be less than cost recovery.

RATIONALE

Fees are charged to cover costs incurred by housing providers to support the sustainability of the property. Access to replacement keys and cards is fundamental to tenancy, therefore, the cost to replace them must not be prohibitive.

Fees can include tenant services, parking, and meal programs. Services are available on a fee per use basis and the service may vary by location. Fees may also include repairs that are not considered to be normal wear and tear.

8. SECURITY DEPOSITS

POLICY

Housing providers operating Manitoba Housing-owned properties will not charge a security deposit. Tenants who cause damage to Manitoba Housing-owned property must pay for all repairs through charge back fees.

Housing providers operating properties not owned by Manitoba Housing, may collect a security deposit.

Where a security deposit is a barrier to tenancy, housing providers must provide a security deposit payment plan identified in the tenancy agreement. Terms of the plan must not exceed 12 months.

Tenants who cause damage to property not owned by Manitoba Housing, in which a security deposit is not collected, must pay for all repairs beyond normal wear and tear through charge back fees.

RATIONALE

Security deposits are not collected in Manitoba Housing-owned properties because Manitoba Housing is responsible for operating costs.

Housing providers operating properties not owned by Manitoba Housing, may collect a security deposit to assist with repairs and long-term financial viability.

A security deposit may be a financial barrier for applicants. Allowing tenants to make payments towards the security deposit reduces a financial barrier and supports access to housing for low income Manitobans.

9. APPEALS

POLICY

Housing providers will review appeals submitted by applicants or tenants on issues related to the policies in this manual.

EXCEPTION

Appeals or decisions that fall within the authority of another body such as the Residential Tenancy Branch or Human Rights Commission will not be reviewed by a housing provider.

RATIONALE

Manitoba Housing supports successful outcomes for applicants and tenants and understands that decisions made related to rental program policies have a direct impact on applicants' ability to access the programs and tenants' ability to continue to reside in subsidized housing.

When applicants or tenants are not in agreement with a rental program decision, they may file an appeal with their housing provider. Rental program letters provide applicants and tenants with the information needed to file an appeal and provide the timeframe for which it must be filed.

Housing providers will make every effort to investigate and resolve the appeal with applicants and tenants.

10. PROVIDING FALSE INFORMATION

POLICY

Applicants or tenants who knowingly provide false or misleading information, or omit required information, will be disqualified from the rental programs.

Examples include:

- misrepresenting identity, income, age, personal assets, citizenship status or other information for purposes of determining eligibility for the rental programs;
- misrepresenting total household income for purposes of rent calculation; or,
- falsely declaring or omitting household members on the lease for purposes of unit allocation including additions or reductions to the household.

RATIONALE

To be eligible for the rental programs, applicants and tenants are required to demonstrate that they are in need of housing by verifying their income, assets, age, citizenship and identity.

Rental programs are rationed and therefore provide housing to those most in need. Knowingly providing false or misleading information or omitting required information that leads tenants or applicants to receive benefits is taking advantage of the programs and will not be tolerated.

RELEVANT LEGISLATION

Freedom of Information and Protection of Privacy Act (FIPPA)

Personal Health Information Act (PHIA)

Residential Tenancies Act

Manitoba Human Rights Code

Cooperatives Act

Safer Communities Act

The Accessibility for Manitobans Act

Francophone Community Enhancement and Support Act

The Regulatory Accountability Act

APPENDIX A – DEFINITIONS

Addendums: additional documents not included in the main part of a legal contract such as a tenancy agreement. They contain additional terms, obligations or information.

Adequate housing: the basic facilities of a home including heating, plumbing and electrical systems are safe and not in need of major repair.

Adjusted household income: the gross income of household members after applying all income exclusions. Adjusted household income is used to determine eligibility and rent.

Appeal: made by applicants or tenants when they are not in agreement with a decision made by a housing provider that is directly related to the rental program policies.

Applicant: an individual who has submitted a request for housing.

Arrears: money owed to a housing provider (also known as outstanding balance).

Core housing need: households' current shelter does not meet at least one of the standards for adequacy, affordability and suitability.

Dependent: household members under the age of 22, under the age of 26 registered in full-time study, or of any age who is accepted as a dependent for income tax purposes. They include members for whom the tenant has guardianship or other formal care relationships.

Domestic consumable electricity: non-heating electrical usage (e.g. plugs and lights).

Family: individuals, their partner and dependents, which may include individuals for whom the tenant is providing care or financial support.

Financial support: a tenant has assumed financial responsibility for an individual who has no income which may include adult children.

Guardian: a person legally responsible for the affairs of an individual.

Household: one or more families who live together in the rental unit including roommates.

Household composition: the number, age and gender of the people living in the household.

Household member: an individual who is listed on but did not sign the tenancy agreement.

Income: money earned.

Independent living: the ability to live separately in the community with or without supports.

Kinship care: an alternative to foster care where children are placed with extended family, such as a grandparent, or someone with whom they have a significant relationship.

Live-in caregiver: a person who is required to live with and provide care for a tenant. The caregiver must be approved to receive the Primary Caregiver Tax Credit.

Minimum rental rate: charged to households with minimal or no income or RGI is less than the minimum rent.

National Occupancy Standards: commonly used to assist in determining the number of bedrooms a household requires based on the household's composition.

Normal wear and tear: damage or deterioration resulting from ordinary use.

Over Housed: a household that is living in a unit with more bedrooms than required.

Permanent Resident: the Immigration and Refugee Protection Act defines three classes of residents: Economic, Family and Refugee. People in the Economic and Refugee classes

are eligible for the rent programs provided they meet all other criteria. People in the Family class are **not** eligible unless sponsorship has ended or broken down and EIA support is approved

Refugee claimants: people who arrive in Canada and request asylum due to a danger of torture, punishment or death if they return to their home country. In Manitoba, EIA supports claimants while their asylum request is in process. They are eligible for the rental programs.

Rent: the amount paid by tenants to a landlord for the right to occupy a rental unit and use common areas, services, facilities or other things related to the rental unit whether a separate charge is applied for them. Rent includes the value of any discount given by a landlord but does not include tenant service charges.

Rent-geared-to-income: rent charged based on a percentage of adjusted household income.

Rental history: the locations and records of behavior for individuals' previous tenancies.

Rental payment period: a calendar month from the first to the last day of the month.

Rental Programs: subsidies are provided in the form of a rental unit.

Affordable Housing Rental Program: provides a rental subsidy for eligible moderate income households whose household income is below the affordable income limits. Households pay a program rent based on median rents in the private market.

Social Housing Rental Program: provides a rental subsidy for households whose household income is below the social housing program income limits.

Reunification: plan to reunify children with their birth parents or legal guardians.

Roommates: individuals who choose to live together and assume joint responsibility for rent.

Suitable housing: sufficient bedrooms for the size and make-up of the occupying household.

Tenancy agreement: a document that sets out the basic rules for living in a rental unit.

Tenant: a person who signs the tenancy agreement and has the right to occupy a rental unit.

Tenant Services: supplied by a housing provider and paid for by tenants. E.g. meals.

Total Payable Rent: a regular payment for the use of a property which includes the program rent, utilities and any additional fees such as facilities, parking or tenant services.

INCOME SOURCE GUIDE FOR INCLUSIONS AND EXCLUSIONS

Board Approved:

This guide is used to calculate total adjusted household income.

INCLUSIONS*

EMPLOYMENT AND EARNED INCOME

- Wages or salaries including regular, retroactive pay, severance pay, overtime, vacation pay, gratuities, tips, bonuses, monetary incentives, commissions, and service pay
- Employment and Income Assistance payments
- Status Indian Income
- Strike Pay or Lockout Pay
- Net income from self-employment such as partnerships, contract work, farming, tutoring, home sales, taxi, hairdressing, house-cleaning, manicures, dog walkers, etc.
- Seasonal and part-time employment
- Workers Compensation, court awards or insurance settlements aimed to replace loss of wages (includes lump sum payments)
- Rental Income from real estate including agricultural, commercial and residential (after taxes but prior to capital cost allowance deductions and depreciation)

FEDERAL/PROVINCIAL GOVERNMENT INCOME

- Training Allowance Payments (shelter component only)
- Canada Pension Plan (CPP) : Retirement, Survivors' Pensions, Disability and Children's Benefit (formerly Orphans Benefit)
- Old Age Pension, Guaranteed Income Supplement, Spouses Allowance, Widowed Spouse Allowance, 55 Plus Income Supplement
- Veteran Affairs Canada: Disability, Survivor's Pension, Earnings Loss Benefit, Permanent Impairment Allowance and/or Supplement
- Employment Insurance
- Refugee or Newcomers Assistance
- Employment and Income Assistance Payments (for eligibility only)

PRIVATE PENSIONS AND INVESTMENT INCOME

- Retirement or Superannuation
- Foreign Pensions
- Disability Insurance
- Withdrawal from Investments (Mutual Funds, RRSPs, RIF, TFSA's or interest earned on Capital Gains)
- Annuities
- Guaranteed Investment Certificates (GICs)
- Received Investment Interest (from all eligible inclusion sources)

OTHER

- Court awards or insurance settlements to provide for living expenses (includes lump sum payments)
- Child Support, Maintenance or Alimony received

EXCLUSIONS*

EMPLOYMENT AND EARNED INCOME

- Travel and Living Out Allowances for work related expenses

FEDERAL/PROVINCIAL GOVERNMENT PROGRAMS

- CPP / VAC Death Benefit
- Veterans Independence Program (VIP)

- Universal Child Care Benefit (UCCB - under 6 years)
- Canada Child Tax Benefit (CCTB - formerly Family Allowance)
- Canada Child Benefit (CCB)

PRIVATE PENSIONS AND INVESTMENT INCOME

- Capital Gains

REFUNDS, REBATES, CREDITS

- Pensioner Tenant School Tax Assistance for Tenants 55 Plus Rebate
- Goods and Services Tax (GST) Credit
- Canada Revenue Income Tax Refund

OTHER

- Income from Approved Live-In Care Givers
- Any Monetary Gifts
- Sale of Personal Property
- Lump sums from inheritance, gifts or refunds
- Non-Recurring Income (exceptions may apply)
- Insurance settlements (other than those provided for loss of wages or living expenses)
- Child Support, Maintenance or Alimony payments made
- Withdrawal from RESPs
- Canada Registered Disability Savings Plans (RDSP) including any interest earned on withdrawals from RDSPs

* **Only common income sources are listed. Other income inclusions or exclusions may be applicable.**