

# Royal Gazette

## Part II Regulations under the Regulations Act

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### *NOW AVAILABLE*

The second issue for the 2001 subscription year of the Folio®-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, is now available at the Office of the Registrar of Regulations. For information or subscriptions please call (902) 424-6723 or visit our website at [www.gov.ns.ca/just/regulations/cd](http://www.gov.ns.ca/just/regulations/cd).

N.S. Reg. 20/2001

Made: March 16, 2001

Filed: March 21, 2001

Order re: J. Earl Ayer

Order dated March 16, 2001  
made under subsection 125(1) of the  
*Environment Act*

05-01

**IN THE MATTER OF** Chapter 1 of the Statutes of Nova Scotia 1994-95, the  
*Environment Act* (the “Act”)

- and -

**IN THE MATTER OF** a Ministerial Order issued pursuant to the provisions of the said  
*Act* to **J. Earl Ayer**, located at or near Fenwick, in the County of Cumberland, Province  
of Nova Scotia

### **MINISTERIAL ORDER**

I. WHEREAS J. Earl Ayer owns, occupies, operates or is responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: two underground steel petroleum storage tanks which are located at or near PID # 25047820, Fenwick, in the County of Cumberland, Province of Nova Scotia, hereafter called the “Site”;

II. **AND WHEREAS** the Minister of Environment and Labour believes on reasonable and probable grounds that the person named in this Ministerial Order has contravened [sub]section 67(2) of the *Environment Act* and [sub]section 14(1) of the Petroleum Storage Regulations made pursuant to the *Environment Act*;

*Environment Act*

**67 (2)** No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.

*Petroleum Storage Regulations*

- 14 (1)** Subject to subsection (2), an owner, operator or person responsible for a steel underground storage tank system or an underground steel pipeline that
- (a) was installed prior to April 11, 1995, and
  - (b) was not constructed, shop tested and installed in accordance with the National Standard of Canada CAN 4-S603-M, latest edition, for an impressed current cathodic system or CAN 4-S603.1-M, latest edition, including Appendix “B”, for a sacrificial anode system,

shall remove the steel underground storage tank system or the underground steel pipeline no later than 15 years from the date of installation unless a further time period is approved in writing by an Administrator or an inspector.

III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with Section 67 of the *Environment Act* and [sub]section 14(1) of the Petroleum Storage Regulations made pursuant to the *Environment Act*; or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

**IT IS HEREBY ORDERED:**

That pursuant to subsection 125(1) of the *Environment Act*, the person named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

**AND TAKE NOTICE** if the person to whom this Ministerial Order is directed fails to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to [sub]section 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms and conditions of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

**AND FURTHER TAKE NOTICE** that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

**DATED** at Halifax, in Halifax Regional Municipality, Province of Nova Scotia, this 16 day of March, 2001.

*Sgd: David Morse*  
The Honourable David Morse  
Minister of Environment and Labour

**SCHEDULE "A"**  
**TERMS AND CONDITIONS**

**J. EARL AYER**

The following terms and conditions refer to the property of J. Earl Ayer (PID# 25047820) and the underground petroleum storage tank system located thereon.

**Tank # 1;** 9092 Litre Gasoline - installed 1953: located at the south side of the house on the property (PST # 533006-1)

**Tank # 2;** 9092 Litre Gasoline - installed 1953: located at the south side of the house on the property. (PST # 533006-2)

- (a) On or before April 30, 2001, the person named in this Ministerial Order shall ensure that the petroleum storage tank system listed above shall be removed from the property. The removal of the tanks shall adhere to the following procedure:
- 1.1 Pre-notification in writing is required to be submitted to the Amherst District Office of the Nova Scotia Department of the Environment and Labour (NSDEL)\* a minimum of 3 days prior to removing the petroleum storage tank(s).

- 1.2 All products remaining in the tanks shall be pumped out prior to removal of the tank and disposed of in a manner approved by the NSDEL.
  - 1.3 The tanks and all associated piping shall be removed by a *certified petroleum tank remover*.
  - 1.4 The attached petroleum storage tank removal checklist, set forth as Schedule “B”, is to be completed by the certified tank installer/remover and returned to the appropriate district office of this department within two weeks (14 days) of completing the removal. **Laboratory results of soil samples taken from the tank removal excavation shall also be included with the removal checklist. Samples are to be tested for Total Petroleum Hydrocarbons (TPH).**
  - 1.5 The removed tank(s) shall be disposed of at an approved tank disposal facility.
2. If residual contamination is determined to exist on the property following the removal of the petroleum storage system, the services of a site professional or a professional engineer shall be retained by the persons named in this Ministerial Order to undertake a site assessment of the property and to submit a remedial action plan to this department for the management of the contamination remaining.
  3. The persons named in this Ministerial Order shall submit a copy of the site professional’s *Site Assessment Report* and *Remedial Action Plan* to the NSDEL\* on or before May 31, 2001.
  4. All reports, monitoring, sampling, and management/remediation of contamination on the site shall be undertaken in accordance with the department’s “PIRI (RBCA) Contaminated Site Management Process Guidelines”.

Carl Ripley  
Nova Scotia Department of Environment and Labour  
Amherst District Office  
32 Church Street  
Amherst, NS B4H 3A8

Telephone: (902) 667-6205  
Fax: (902) 667-6214

N.S. Reg. 21/2001

Made: March 23, 2001

Filed: March 23, 2001

Proclamation, S. 31, S.N.S. 2000, c. 24

Order in Council 2001-129 made March 23, 2001  
Proclamation made by the Governor in Council  
pursuant to Section  
of the *Dairy Industry Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated January 31, 2001, pursuant to Section 31 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, is pleased to order and declare by proclamation that Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, come into force on and not before April 1, 2001.

PROVINCE OF NOVA SCOTIA

Sgd: *Myra A. Freeman*

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her  
Other Realms and Territories, Queen, Head  
of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY  
WISE CONCERN,

GREETING:

## A PROCLAMATION

WHEREAS in and by Section 31 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, it is enacted as follows:

- 31 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, come into force on and not before April 1, 2001;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, come into force on and not before April 1, 2001, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the Great  
Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Myra A. Freeman, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 23rd day of March, in the  
year of Our Lord two thousand and one and in  
the 50<sup>th</sup> year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*  
Provincial Secretary  
Attorney General and Minister of Justice

N.S. Reg. 22/2001

Made: March 23, 2001

Filed: March 23, 2001

Chicken Farmers of Nova Scotia Regulations

Order in Council 2001-130 made March 23, 2001  
made by the Governor in Council  
pursuant to Section 9  
of the *Natural Products Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated February 28, 2001, and pursuant to Section 9 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, is pleased to approve of amendments made by the Natural Products Marketing Council to the *Chicken Farmers of Nova Scotia Regulations* made by the Natural Products Marketing Council and approved by the Governor in Council by Order in Council 2000-12 dated January 19, 2000, by striking out “\$1.11” in subsection 15(1) and substituting “\$1.09” effective on and after January 14, 2001.

N.S. Reg. 23/2001

Made: March 23, 2001

Filed: March 23, 2001

Nova Scotia Grain and Forage Commission Act  
- regulations repealed

Order in Council 2001-131 made March 23, 2001  
made by the Governor in Council  
pursuant to Sections 3 and 5  
of the *Nova Scotia Grain and Forage Commission Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated February 28, 2001, pursuant to Sections 3 and 5 of Chapter 366 of the Revised Statutes of Nova Scotia, 1989, the *Nova Scotia Grain and Forage Commission Act*, is pleased to:

- (a) revoke the appointment of Earl Kidston as a member and Vice-Chair approved by Order in Council 97-649 dated October 7, 1997;
- (b) revoke the Nova Scotia Grain and Forage Commission established by Order in Council 77-1010 dated August 16, 1977;
- (c) repeal the Nova Scotia Grain and Forage Commission regulations entitled *Rates for Drying, Storage, Grading and Handling Grain* approved by Order in Council 78-510 dated May 15, 1978; and
- (d) repeal the Nova Scotia Grain and Forage Commission regulations entitled *Purchase, Sale and Distribution of Grain* approved by Order in Council 79-432 dated April 10, 1979.



N.S. Reg. 24/2001

Made: March 23, 2001

Filed: March 23, 2001

Tobacco Access Regulations

Order in Council 2001-135 made March 23, 2001  
made by the Governor in Council  
pursuant to Section 13  
of the *Tobacco Access Act*

The Governor in Council on the report and recommendation of the Minister of Health dated February 27, 2001, and pursuant to Section 13 of Chapter 14 of the Acts of 1993, the *Tobacco Access Act*, is pleased to amend the regulations respecting tobacco access made by the Governor in Council by Order in Council 96-29 dated January 16, 1996, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after March 23, 2001.

#### **Schedule “A”**

##### **Amendments to the Regulations Respecting Tobacco Access made by the Governor in Council pursuant to Section 13 of Chapter 14 of the Acts of 1993, the *Tobacco Access Act***

The regulations respecting tobacco access made by the Governor in Council by Order in Council 96-29 dated January 16, 1996, are amended by

- (a) striking out “1,400” in Schedule “D” (Tobacco Access Act health warning sign) and substituting “[statistic as supplied by the Department of Health]”; and
- (b) striking out “1,400” in Schedule “E” (health warning sign) and substituting “[statistic as supplied by the Department of Health]”.

N.S. Reg. 25/2001

Made: March 23, 2001

Filed: March 23, 2001

Employment Support and Income Assistance Regulations

Order in Council 2001-138 made March 23, 2001  
made by the Governor in Council  
pursuant to Section 21  
of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated March 2, 2001, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased to make regulations respecting employment support and income assistance in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 1, 2001.

## SCHEDULE "A"

### **Regulations respecting Employment Support and Income Assistance made by the Governor in Council pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act***

#### **Interpretation**

##### **Citation**

1 These regulations may be cited as the *Employment Support and Income Assistance Regulations*.

##### **Definitions**

2 In these regulations

- (a) "Act" means the *Employment Support and Income Assistance Act*;
- (b) "allowable mortgage expense" means the percentage of an applicant's or recipient's mortgage payment that is included as an expense;
- (c) "applicant" means a person who applies for assistance;
- (d) "application" means an application for assistance pursuant to Section 4;
- (e) "approved educational program" means
  - (i) a high school, adult day school, upgrading or literacy program, or
  - (ii) technical or professional training of a duration of 2 years or less;
- (f) "applicable assets" includes real property and liquid assets but does not include
  - (i) a primary residence of an applicant or a recipient that is assessed at less than twice the average assessed value of single family dwellings in the municipality in which the residence is located,

- (ii) a cash surrender value of under \$500 of a life insurance policy,
  - (iii) a motor vehicle used for basic transportation including transportation related to job search requirements, training or health and safety requirements,
  - (iv) tools or equipment directly related to a trade or profession,
  - (v) a registered education savings plan established for the education of a child and intended for use by that child in relation to education expenses,
  - (vi) any portion of a registered retirement savings plan that is part of an employment pension program at the place of employment where the applicant or recipient is employed, temporarily laid off or on sick leave;
- (g) “budget deficit” of an applicant or recipient means the amount by which the total expenses of the applicant or recipient exceed the total chargeable income of the applicant or recipient;
- (h) “caseworker” means a person in the employ of the Department of Community Services who is responsible for reviewing applications for assistance, determining eligibility for assistance and making decisions with respect to the granting of assistance;
- (i) “chargeable income” of an applicant or recipient means income that is included for the purpose of computing the amount of assistance payable to the applicant or recipient pursuant to these regulations;
- (j) “cohabit” means to live together with another person as a spouse and “cohabitation” and “cohabitating” have corresponding meanings;
- (k) “dependent child” means a person residing in Nova Scotia who is dependent for support upon an applicant or a recipient and is
- (i) under the age of 19 years, or
  - (ii) 19 or 20 years of age and is attending an approved educational program not designated for student loan purposes;
- (l) “Director” means the Director of Income Assistance in the Department of Community Services;
- (m) “employability assessment” means an assessment to determine whether a recipient or a spouse of a recipient is employable at the time of the assessment and, if not employable at the time of the assessment, includes an assessment of the measures or activities that can reasonably be undertaken by the recipient or spouse to enable the recipient or spouse to become employable;
- (n) “employment plan” means a plan that is developed in conjunction with an employability assessment and that establishes the goals of a recipient or a spouse of a recipient in respect of

- (i) participation in employment services,
  - (ii) participation in an approved educational program, and
  - (iii) employment;
- (o) “expense” means an expense of an applicant or recipient that is included for the purpose of calculating the amount of assistance payable to the applicant or recipient pursuant to these regulations, and includes an expense of a spouse and, where applicable, a dependent child;
- (p) “family benefits” means benefits received under the *Family Benefits Schedule “B” Regulations*;
- (q) “full-time”, with respect to employment, means paid employment for 30 hours or more per week;
- (r) “home” includes a mobile home;
- (s) “income maintenance payment” means a payment made to a person by the government of Canada or of Nova Scotia in respect of loss or presumed loss of income by reason of unemployment, loss of the principal family provider, illness, disability or age;
- (t) “liquid asset” means any asset readily convertible into cash including cash on hand, bank accounts, stocks and bonds or other securities;
- (u) “mobile home” means any trailer that is
- (i) designed for or intended to be equipped with wheels, whether or not it is so equipped, and
  - (ii) constructed or manufactured to provide a residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (v) “mortgage payment” means the actual amount paid, calculated monthly, less any payment of taxes included in the payment for a mortgage that has been obtained for the purpose of purchasing or making necessary repairs or renovations to the primary residence of an applicant or recipient;
- (w) “part-time”, with respect to employment, means paid employment for up to 30 hours per week;
- (x) “post-secondary education program” means a program designated for student loan purposes;
- (y) “primary residence” means the housing unit ordinarily inhabited by an applicant or recipient;
- (z) “recipient” means a person who is receiving assistance;
- (aa) “social assistance” means assistance received under the *Social Assistance Act*;
- (ab) “special need” means a need for
- (i) an item or service with respect to

- (A) dental care,
  - (B) optical care,
  - (C) funeral arrangements,
  - (D) special diet,
  - (E) transportation, child care,
  - (F) implementation of an employment plan, or
- (ii) another item or service that is in the opinion of a caseworker essential for an applicant, recipient, spouse or dependent child,

but does not include an item or service that is insured under Provincial insured health services programs or otherwise funded by government;

(ac) “spouse” means

- (i) a husband or a wife of an applicant or recipient, or
- (ii) a common law partner or a same-sex partner with whom an applicant or recipient is in a marriage-like relationship that is not a legal marriage;

(ad) “supervisor” means a person in the employ of the Department of Community Services who is responsible for overseeing the work and decisions of a caseworker;

(ae) “supported employment” means part-time employment of a person whose physical, mental or cognitive abilities prevent full-time employment;

(af) “taxes” means any tax imposed by or under an enactment in respect of real or personal property;

(ag) “unearned income” includes income maintenance payments, workers’ compensation, insurance payments, damage awards, income from mortgages, any maintenance payments, superannuation and income from investments such as stock and bonds;

(ah) “youth” means a person aged 16 to 18, inclusive, who is eligible to apply for assistance.

### **Assistance - General**

#### **Money payments of assistance**

**3** Payments of assistance in the form of money shall be made by cheque or electronic bank transfer in favour of the person named in the requisition for the payment.

#### **Application for assistance**

**4** An applicant shall submit an application in the form prescribed by the Minister to a caseworker and shall attach to the application any documents required pursuant to Section 5.

#### **Additional information required**

**5 (1)** In order to determine the eligibility of an applicant or the ongoing eligibility of a recipient to receive assistance, or to verify information obtained from an applicant or recipient in respect of their eligibility or ongoing eligibility to receive assistance, the applicant or recipient shall provide the following information to a caseworker, in the case of an applicant at the time of

application, or in the case of a recipient as requested at any time during which the recipient is in receipt of assistance:

- (a) where applicable,
    - (i) proof of age,
    - (ii) proof of death,
    - (iii) proof of marriage,
    - (iv) proof of divorce,
    - (v) proof of cohabitation,
    - (vi) proof of ability to participate in employment services,
    - (vii) proof of hospitalization,
    - (viii) proof of parentage,
    - (ix) proof of citizenship,
    - (x) proof of residency,
    - (xi) proof of income, or
    - (xii) proof of assets.
  - (b) the social insurance number of the applicant or recipient and of the spouse of the applicant or recipient and a dependent child of the applicant or recipient;
  - (c) the Nova Scotia Health card number of the applicant or recipient and of the spouse of the applicant or recipient and dependent child of the applicant or recipient;
  - (d) income tax assessment form of the applicant or recipient and of the spouse of the applicant or recipient; and
  - (e) an authorization for the release, obtaining or verifying of information about the applicant or recipient and spouse and dependent child of the applicant or recipient including information or documents
    - (i) specified in this Section and Sections 4 and 7,
    - (ii) respecting expenses,
    - (iii) respecting chargeable income,
    - (iv) respecting liquid assets.
- (2) Where an applicant or recipient refuses to provide the information or the authorization specified in subsection (1), the applicant shall be refused assistance or assistance to the recipient shall be discontinued, as the case may be.
- 6 For the purpose of subclause 5(1)(a)(v), proof of cohabitation may be established by any relevant evidence and shall be deemed to occur where
- (a) a man and woman represent themselves to others to be husband and wife; or
  - (b) individuals represent themselves to others to be each other's spouse.
- 7 (1) An applicant or recipient shall provide such information as a caseworker may require with respect to the living arrangements, employment history, health and financial circumstances of the applicant or recipient and the spouse and dependent child of the applicant or recipient.
- (2) An applicant or recipient shall give notice to a caseworker of any change that affects the information provided pursuant to subsection (1) immediately upon the occurrence of the change

and the notice shall be in writing if so requested by the caseworker.

- 8 An applicant or recipient may be required to provide evidence under oath or by affirmation to establish the proof of any fact relating to the applicant's or recipient's eligibility for assistance.

#### **Providing documentation**

- 9 In circumstances where the requirement of an applicant or a recipient to provide documentation in a timely manner would, in the opinion of the caseworker, create undue hardship for the applicant or recipient, assistance may be granted despite the lack of documentation and the applicant or recipient shall be required to provide appropriate documentation at the earliest opportunity.

### **Eligibility**

#### **Not eligible for assistance**

- 10 An applicant is not eligible to receive assistance if the applicant has separated from his or her spouse for the purpose of enabling the applicant to qualify for assistance.
- 11 An applicant is not eligible to receive assistance if at the time of the application the applicant's chargeable income is equal to or greater than the applicant's expenses.
- 12 An applicant or recipient is not eligible to receive assistance where there is another feasible source of income or applicable assets available that is sufficient to provide the applicant or recipient with basic needs, special needs or employment services that are being applied for or provided, as the case may be.
- 13 An applicant or recipient engaged in a strike or who is locked out by an employer is not eligible to receive assistance.

#### **Eligibility for assistance**

- 14 (1) Except as otherwise provided for in these regulations, a person must be 19 years of age or older in order to be eligible to receive assistance.
- (2) A person who is under the age of 19 and residing in their parent's or parents' home is not eligible to apply for assistance in that person's own right or on behalf of that person's dependent child.
- (3) An applicant must be present in the Province at the time of application.

#### **Caseworker can change amount of assistance**

- 15 (1) A caseworker may discontinue assistance
- (a) where a recipient has been absent from the Province for more than 30 consecutive days; or
  - (b) where a recipient has been hospitalized for more than 30 consecutive days.
- (2) A caseworker shall discontinue assistance where a recipient has been imprisoned for more than 30 consecutive days in any penitentiary to which the *Prisons and Reformatories Act* (Canada) applies, in a jail, lockup or adult reformatory institution, or has been under house arrest for more than 30 consecutive days.
- (3) A caseworker shall reduce, discontinue or suspend assistance to a recipient where there has been fraud, misrepresentation, non-disclosure of facts or other cause that has resulted in assistance being improperly provided to the recipient.

- (4) A caseworker shall increase, reduce, discontinue or suspend assistance to a recipient where there is a change in the circumstances of the recipient or person on whose behalf assistance is being provided to the recipient that relates to the recipient's eligibility for assistance.

### **Dependent child**

- 16 (1)** No assistance shall be paid on behalf of a dependent child after the dependent child becomes 21 years of age.
- (2) With respect to assistance paid on behalf of a dependent child,
- (a) where the dependent child is in attendance at a post-secondary education program, the caseworker shall discontinue assistance effective the last day of the month in which the dependent child becomes 19 years of age;
- (b) where a dependent child is attending an educational program not designated for student loan purposes and continues to attend the program on a regular basis, a caseworker may continue to provide assistance after the dependent child becomes 19 years of age;
- (c) a caseworker shall discontinue assistance effective the last day of the month in which the child ceases to be a dependent child.
- (3) A dependent child shall reside with the applicant or recipient the majority of the time in order to be considered a dependent child and included in the calculation of the budget deficit of the applicant or recipient, and where the dependent child resides with more than 1 applicant or recipient, the dependent child may be included in the calculation of the budget deficit of only 1 applicant or recipient.
- (4) Where
- (a) a dependent child of a recipient has been taken into the care of a child welfare agency pursuant to the *Children and Family Services Act*; and
- (b) the relevant child welfare agency advises a caseworker that
- (i) the recipient is participating in a program or plan of action for the purpose of facilitating the return of the dependent child to the recipient, or
- (ii) there is a valid reason why the recipient cannot participate in a program or plan of action for the purpose of facilitating the return of the dependent child to the recipient,
- the recipient may continue to receive assistance as if the dependent child were still in the care and custody of the recipient.
- (5) Assistance provided in accordance with subsection (4) shall not continue for a period exceeding 2 years.

## **Employment**

### **Employability assessment**

- 17 (1)** A recipient and a recipient's spouse must participate in an employability assessment.



- (2) Where a recipient or a recipient's spouse refuses to participate in an employability assessment, the recipient shall not continue to receive assistance.

**Employment plan**

**18 (1)** A recipient and a recipient's spouse are required to develop an employment plan that shall take into account

(a) the recipient's and the spouse's

- (i) skills,
- (ii) education,
- (iii) work experience,
- (iv) volunteer activities,
- (v) resources in the community,
- (vi) availability of transportation,
- (vii) child care needs, and
- (viii) personal support; and

(b) such other factors that are relevant to enable the recipient and the spouse to participate in employment.

- (2) An employment plan cannot include a plan to participate in an educational program that is not an approved educational program.

**Medical examination**

**19 (1)** Where additional information is required by a caseworker to complete an employability assessment of a recipient or a recipient's spouse or to determine whether an employment plan is appropriate for a recipient or a recipient's spouse, a caseworker may require the recipient or spouse to undergo a medical examination as the caseworker considers necessary and relevant.

- (2) Where a recipient or a recipient's spouse refuses to undergo a medical examination required pursuant to subsection (1), assistance shall be discontinued if the refusal to undergo a medical examination results in a caseworker being unable to determine the employment readiness of or the suitability of an employment plan for the recipient or spouse.

**Refusal to accept employment**

**20 (1)** An applicant or recipient is not eligible to receive or to continue to receive assistance where the applicant or recipient, or the spouse of the applicant or recipient unreasonably refuses

(a) to accept employment, where suitable employment is available;

(b) to participate in employment services that are part of an employment plan; or

(c) to engage in an approved educational program that is part of an employment plan, where an appropriate approved educational program is available.

- (2) In determining whether the refusal of an applicant or recipient or the spouse of the applicant or recipient referred to in subsection (1) is unreasonable, a caseworker shall not consider the refusal to be unreasonable where the applicant, recipient or spouse has a legitimate barrier to employment, to engaging in an approved educational program, or to participating in employment services.

**Quitting a job**

- 21 (1)** Where an applicant or an applicant's spouse has quit a job or has been fired from a job within 4 months prior to the application for assistance, assistance shall not be granted for the 6 weeks subsequent to the date of the application if the applicant or the spouse
- (a) quit the job without just cause;
  - (b) was fired with just cause; or
  - (c) quit the job for the purpose of qualifying for assistance.
- (2)** Where a recipient or a recipient's spouse has quit a job or has been fired from a job, assistance shall be discontinued for 6 weeks if the recipient or the spouse
- (a) quit the job without just cause;
  - (b) was fired with just cause; or
  - (c) quit the job for the purpose of qualifying for additional assistance.

**Lump sum upon employment**

- 22 (1)** A recipient who becomes employed or whose spouse becomes employed on a full-time basis is entitled to receive a lump sum payment in the amount of \$400.00 at the time the full-time employment commences, and the lump sum is payable only once with respect to each of the recipient and spouse of the recipient regardless of the number of times the recipient or the spouse is in receipt of assistance.
- (2)** A recipient who becomes employed or whose spouse becomes employed on a part-time basis is entitled to receive a lump sum payment in the amount of \$200.00 at the time the part-time employment commences and the lump sum is payable only once with respect to each of the recipient or spouse of the recipient regardless of the number of times the recipient or the spouse of the recipient is in receipt of assistance.
- (3)** A recipient is not entitled to receive, on behalf of the recipient or the recipient's spouse, both lump sum payments pursuant to subsection (1) and subsection (2).

**Obligation to commence proceedings**

- 23 (1)** In order to be eligible to receive assistance or to continue to receive assistance, an applicant or recipient shall
- (a) commence any action or other proceeding; and
  - (b) enforce any order of the court,
- concerning any duty or obligation of any other person to support or maintain the applicant, recipient or a dependent child of the applicant or recipient or other person on whose behalf assistance is payable.
- (2)** Where an applicant or recipient is unable to commence an action or other proceeding or is unable to enforce any order of the court pursuant to subsection (1) because of a failure to obtain the necessary information, a caseworker may refuse assistance for such period of time as the caseworker considers appropriate in the circumstances.

- (3) A caseworker may waive the requirements of subsection (1) where the caseworker considers that compliance with them would adversely affect a family situation or where compliance would be futile or unreasonable.
- (4) A youth is not required to comply with the requirements of subsection (1).

### **Special Needs**

#### **Information to be provided**

- 24 (1)** An applicant or recipient may request assistance for an item of special need, and the applicant or recipient shall provide the following information, where applicable, to a caseworker to support the request:
- (a) an explanation as to why the special need is required;
  - (b) a description of the special need;
  - (c) any documentation from professionals supporting the special need;
  - (d) the cost of the special need;
  - (e) the resources or alternatives that have been investigated with respect to obtaining the special need from other sources;
  - (f) where the cost of the special need exceeds \$200, estimates for the cost of the special need from 2 separate providers; and
  - (g) an invoice or receipt for the item of special need.
- (2)** An applicant or recipient may request assistance for an item of special need in accordance with subsection (1) either before or after the purchase of the item of special need.

#### **Health or medical need**

- 25** Where an applicant or recipient requests assistance for an item of special need that pertains to the health or medical requirements of the applicant or recipient or the spouse or dependent child of the applicant or recipient, a caseworker may request advice from a person qualified to provide advice in respect of the appropriateness, necessity and effectiveness of the item of special need requested and the caseworker shall take this advice into consideration in determining whether to grant the request.

#### **Determination of eligibility**

- 26** In determining the amount of assistance payable for an item of special need for an applicant or recipient, a caseworker shall include one of the following in the calculation of the budget deficit of the applicant or recipient:
- (a) the lesser of the actual cost of the special need or the amount prescribed in Appendix "A";  
or
  - (b) the allowed cost of the special need as approved by a supervisor.

#### **Supervisor may determine higher amount**

- 27 (1)** Where a supervisor determines that there is documentation to support that the maximum amount allowed for any item of special need as prescribed in Appendix "A" is insufficient to pay for the cost of the item due to the distinctive need of an applicant or recipient or spouse or dependent child of the applicant or recipient, the higher amount as documented may be included in the calculation of the applicant's or recipient's budget deficit.

- (2) In urgent circumstances pertaining to the health or safety of an applicant or recipient or spouse or dependent child of the applicant or recipient, the total cost of an item of special need may be provided to the applicant or recipient where there is a budget deficit for a portion of the cost of the special need and payment of the total cost is approved by a supervisor.

**Educational-related needs**

- 28 A recipient between the ages of 16 and 20, inclusive, who is employed on a full-time or part-time basis shall not receive assistance for school supplies or other educational related special needs.

**Allowances and Expenses****Expenses to be considered in determining eligibility**

- 29 (1) In determining initial eligibility for assistance, a caseworker shall include

- (a) expenses as prescribed in these regulations for basic needs and special needs;
- (b) actual transportation costs up to \$150 per month; and
- (c) actual child care costs up to \$400 per month

in the calculation of the budget deficit of an applicant.

- (2) In determining ongoing eligibility for assistance, a caseworker shall include

- (a) expenses as prescribed in the regulations for basic needs and special needs; and
- (b) expenses for participation in an employment plan

in the calculation of the budget deficit of a recipient.

**Amount payable**

- 30 The amount of assistance payable shall be 100% of the budget deficit except as provided for in subsection 27(2).

**Personal and shelter allowances**

- 31 (1) An applicant or recipient who is boarding shall be allowed the following monthly allowances, in the amount and in the manner prescribed in Appendix "A", as expenses:

- (a) a shelter allowance; and
- (b) a personal allowance for each of
  - (i) the applicant or recipient,
  - (ii) the spouse of the applicant or recipient, and
  - (iii) each dependent child of the applicant or recipient who is 18 years of age or older.

- (2) An applicant or recipient who is renting or who owns his or her own home shall be allowed the following allowances, in the amount and in the manner prescribed in Appendix "A", as expenses:

- (a) a shelter allowance;
- (b) a personal allowance for each of

- (i) the applicant or recipient,
- (ii) the spouse of the applicant or recipient, and
- (iii) each dependent child of the applicant or recipient who is 18 years of age or older.

**32** Where an applicant or recipient or spouse or dependent child of an applicant or recipient is terminally ill or has special needs with respect to barrier-free access to, from or within their accommodations, the shelter allowance prescribed in Appendix "A" may be increased by an amount approved by a supervisor.

#### **Maternal nutritional allowance**

**33** A female applicant or recipient or spouse or dependent child of an applicant or recipient who is pregnant shall have a maternal nutritional allowance included as an expense in the amount prescribed in Appendix "A", effective from the date of the notification of pregnancy or birth of the child up to and including 12 months after the birth of the child.

#### **School supplies**

**34** At the start of each school year a recipient with a dependent child shall have an allowance as prescribed in Appendix "A" included as an expense to defray the cost of school supplies of a dependent child who is between the ages of 5 and 20 years, inclusive, and is attending elementary, junior high or senior high school as of September 30 in the year in which the allowance is being included.

#### **Combined expenses**

**35** In respect of any combination of expenses mentioned in Sections 36 to 42, the amount of assistance payable to an applicant or recipient shall not exceed the lesser of

- (a) 100% of the actual total of any combination of expenses; or
- (b) the amount prescribed in Appendix "A" for the size of the applicant's or recipient's family.

#### **Mortgage payments**

**36 (1)** Subject to subsection (2) and Section 37, an applicant or recipient who owns his or her own home and who is making payments in respect of a mortgage shall be allowed 100% of the mortgage payment as an allowable mortgage expense.

**(2)** Where only part of the mortgage money obtained has been used for the purpose of purchasing, repairing or renovating the residence of the applicant or recipient, only that part of the money that relates to the purchase, necessary repairs or necessary renovations of the residence shall be allowed as an allowable mortgage expense.

**(3)** Where, in the opinion of a caseworker, the application of subsection (2) would create undue hardship for an applicant or recipient, 100% of the applicant's or recipient's mortgage payment shall be allowed as an allowable mortgage expense.

#### **Joint ownership of primary residence**

**37** Where the primary residence of an applicant or recipient is jointly owned by the applicant or recipient with another person or spouse or dependent child of the applicant or recipient, the allowable mortgage expense shall be prorated based on the portion of the primary residence owned by the applicant or recipient, but where a supervisor determines that such prorating will cause undue hardship for the applicant or recipient, 100% of the mortgage payment shall be allowed as an allowable mortgage expense and the supervisor may require the applicant or recipient to enter into a repayment agreement in respect of the assistance granted.

**Property taxes**

**38** An applicant or recipient who owns his or her own home shall be allowed 100% of the actual amount of taxes paid, calculated monthly, as an expense.

**Rent**

**39** An applicant or recipient who rents his or her accommodations shall be allowed 100% of the actual amount of rent paid monthly as an expense.

**Heating costs**

**40** An applicant or recipient who heats his or her accommodations shall be allowed 100% of the actual amount of heating costs paid monthly as an expense.

**Electricity costs**

**41** An applicant or recipient who pays for his or her electricity supply shall be allowed 100% of the actual amount of electricity costs paid monthly as an expense.

**Water costs**

**42** An applicant or recipient who pays for his or her water supply or service shall be allowed 100% of the actual amount of water costs paid monthly as an expense.

**Employment plan expenses**

**43** A caseworker shall allow as an expense the necessary and reasonable costs incurred by the recipient or the spouse of a recipient in relation to the recipient's or spouse's participation in an employment plan.

**Employment expenses**

**44** A recipient who becomes employed or whose spouse becomes employed on a full-time or part-time basis or is or whose spouse is participating in employment services or implementing an employment plan shall be allowed the following expenses:

- (a) actual transportation costs up to a maximum of \$150.00 per month;
- (b) actual child care costs up to a maximum of \$400.00 per month; and
- (c) such other reasonable expenses that are directly related to and that a caseworker considers are necessary to facilitate the recipient's or spouse's employment, or participation in an employment plan.

**Incremental shelter allowance**

**45** An incremental shelter allowance in the amount prescribed in Appendix "A" shall be allowed as an expense for a single person who

- (a) is disabled;
- (b) is fleeing an abusive situation;
- (c) has a chronic mental, cognitive or physical condition that limits participation in employment services;
- (d) is 55 years of age and over; or
- (e) is a youth and otherwise meets the requirements of the Act and these regulations.

**Supervisor can modify calculation of budget deficit**

**46** A supervisor may exempt an applicant or recipient from the provisions regarding the calculation of the budget deficit where a supervisor considers it necessary to

- (a) alleviate the pain and suffering of an applicant or recipient or dependent child or spouse of an applicant or a recipient;
- (b) protect the health or safety of an applicant or recipient or dependent child or spouse of an applicant or recipient; or
- (c) preserve the dwelling of an applicant or a recipient.

**Income****Chargeable income**

**47 (1)** Chargeable income shall be deemed to include

- (a) the income of the spouse of the applicant or recipient;
- (b) the income received by the applicant or recipient or the spouse of an applicant or recipient on behalf of a dependent child; and
- (c) 100% of unearned income received by a dependent child of the applicant or recipient.

**(2)** Chargeable income shall include the monthly income from the following sources:

- (a) 100% of net wages earned, except as provided for in Section 48;
- (b) where boarders are living with the applicant or recipient, the greater of
  - (i) 25% of the gross amount received per month, or
  - (ii) \$50.00 per month;
- (c) 70% of the gross amount received from roomers who are living with the applicant or recipient or a minimum charge of \$50 per month;
- (d) where the applicant or recipient receives rent from properties, 70% of the gross amount received;
- (e) 100% of the net profit from a business;
- (f) 100% of Canada Pension Plan benefits paid directly to a dependent child of the applicant or recipient;
- (g) 100% of the sum set aside in trust by a court at the request of an applicant or recipient or with the consent of an applicant or recipient where the sum set aside in trust comprises chargeable income;
- (h) 100% of unearned income;
- (i) 100% of income from an estate or trust;
- (j) 100% of the value of goods and services received in lieu of wages;

- (k) 100% of gratuities;
  - (l) 100% of commissions.
- (3) Clause 2(b) does not apply where the boarder is a child of the applicant or recipient and the supervisor is of the opinion that to apply clause 2(b) would create undue hardship on the child or the child's family.

**Percentage of net wages**

- 48 (1) At the time a person applies for assistance, income from wages shall be computed at 100% of net wages earned but at the time the amount of assistance to be paid is being determined wages shall be computed at 70% of net wages earned and persons engaged in supported employment shall be allowed \$150 per month as exempt income in calculating net wages;
- (2) Despite subsection (1), for persons between the ages of 16 and 20, inclusive,
- (a) income from part-time employment shall not be chargeable income provided that the person is attending an approved educational program;
  - (b) income from full-time employment shall not be chargeable income for up to 3 calendar months per year provided that the person attends an approved educational program following the completion of full-time employment.

**Training allowance**

- 49 At the time a person applies for assistance, income from a training allowance shall be computed at 100% of the allowance received but at the time the amount of assistance to be paid is being determined the chargeable income from a training allowance shall be computed at 100% of the allowance received less \$150 a month.

**Net profit from business**

- 50 (1) Net profit from a business is deemed to be at least equal to the minimum wage hourly rate for 40 hours of work per week.
- (2) Where a business is part of a recipient's employment plan, subsection (1) does not apply to net profit from the business during an initial period of operation of up to 18 months, as decided by a caseworker.

**Income tax refunds**

- 51 One hundred percent of income from an income tax refund shall be included as chargeable income in the month in which the refund is received and the amount by which the income exceeds the expenses shall be considered as chargeable income in subsequent months.

**Not chargeable income**

- 52 Income from the National Child Benefit, the Child Tax Benefit component of the Canada Child Tax Benefit, the Nova Scotia Child Benefit, and the Goods and Services Tax Credit is not chargeable income.
- 53 The wages of a dependent child of an applicant or recipient are not chargeable income provided that the dependent child is attending an educational program not designated for student loan purposes.



### Assets

#### Consideration of assets in determining eligibility

**54** In determining the eligibility of an applicant or a recipient for assistance, a caseworker shall consider all applicable assets of the applicant or recipient or spouse or dependent child of the applicant or recipient.

**55 (1)** Assistance shall not be granted to an applicant or recipient who has a

- (a) family size of one person and has assets in excess of \$500;
- (b) family size of more than one person and has assets in excess of \$1000.

**(2)** An applicant or recipient who has been refused assistance under subsection (1) may be required to wait not less than 1 month and not more than 1 year from the date of refusal before re-applying for assistance.

**(3)** An applicant may not be eligible to receive assistance where the applicant has dissipated, spent or dealt with assets within 1 year prior to the date of their application if a supervisor determines that this was done in an unreasonable manner.

**(4)** Despite subsection (3), an applicant or recipient shall not be prejudiced where assets have been spent for

- (a) personal and family shelter including the purchase of a home or the payment of a mortgage or debts and purchases as approved by a supervisor;
- (b) basic needs;
- (c) necessary repairs of the home occupied by the applicant or recipient;
- (d) replacement of necessary household items,

and the applicant or recipient provides proof to the satisfaction of the supervisor that assets were spent for a purpose set out in clause (a), (b), (c) or (d).

#### Joint assets

**56** Where an applicant or a recipient is a joint owner of an asset, the joint asset shall not be an applicable asset provided however that a caseworker may require the applicant or recipient to convert the joint asset into cash within a specified time and the applicant or recipient may be required to enter into a repayment agreement in respect of the assistance granted pending the conversion of the joint asset to cash.

#### Conversion/sale of assets

**57 (1)** A caseworker may require an applicant or a recipient to sell real property within a specified time and to enter into a repayment agreement in respect of assistance granted pending the sale of the real property.

**(2)** Where it is not feasible to sell the real property pursuant to subsection (1), a caseworker may require the applicant or recipient to rent the property or to render it income-producing within a specified time and to enter into a repayment agreement in respect of the assistance granted pending the rental of the real property or rendering the property income-producing.

**Trust money**

- 58** Where a sum is set aside in trust for an applicant or recipient or a spouse or dependent child of an applicant or recipient by a court or a person other than an applicant or recipient, assistance shall not be granted where it is feasible for the applicant or recipient to obtain support for himself or herself or his or her spouse or dependent child from the sum set aside.
- 59** A recipient or person on whose behalf assistance is paid who uses a trust fund as collateral for the securing of a loan shall not receive assistance.

**Assistance paid in trust**

- 60** Every person to whom assistance is paid in trust for the benefit of an applicant or recipient pursuant to the Act shall submit such information as a caseworker may require regarding the administration of the trust money.

**Compensation Payments**

- 61 (1)** Financial compensation received by individuals pursuant to the Memorandum of Understanding regarding Compensation for Survivors of Institutional Abuse shall not be considered as income nor as an asset for the purpose of determining a applicant's or recipient's eligibility for assistance, but any money generated from the compensation shall be considered as income for the month in which it is received for the purposes of determining an applicant's or recipient's eligibility for assistance.
- (2)** Where a provincial government or the federal government makes a payment either monthly or in a lump sum to victims or survivors of abuse to redress or compensate an injury or harm in respect to a government program or services, the payments received may be declared by the Minister as not being income for the purposes of determining a[n] applicant's or recipient's eligibility for assistance.
- (3)** Where an applicant or recipient receives
- (a)** a payment other than a payment for loss of income or loss of support pursuant to
    - (i)** the 1986-1990 Hepatitis C Settlement Agreement, or
    - (ii)** the federal/provincial/territorial assistance program of HIV Secondarily Infected Persons;
  - (b)** a payment as a Merchant Navy Veteran or as a surviving spouse of a Merchant Navy Veteran for post-war benefits,

the payment shall not be considered as income or as an asset for the purpose of determining the applicant's initial eligibility for assistance but any money generated from such a payment shall be considered as income for the month in which it is received for the purpose of determining the applicant's or recipient's eligibility for assistance.

**Pharmacare Assistance**

- 62** Where pharmacare is not available pursuant to a drug plan at a recipient's place of employment or from some other source, pharmacare assistance may be granted to the recipient directly, or to the recipient on behalf of a spouse or dependent child of the recipient.
- 63** Where pharmacare assistance has been granted to a recipient pursuant to Section 62, the recipient is entitled to receive insured prescription drugs in accordance with the Prescription Drug Plan

Regulations and Prescription Drug Plan Program, except where the Director decides that a recipient is required to pay a co-pay fee that is different than the amount prescribed in the Prescription Drug Plan Regulations and the Prescription Drug Plan Program.

- 64 (1)** Where pharmacare assistance that has been provided to a recipient is discontinued on or after August 1, 2001, because the total chargeable income of the recipient exceeds the total expenses of the recipient as calculated in accordance with these regulations, the recipient shall be eligible to continue to receive pharmacare assistance provided that the recipient
- (a) otherwise meets the requirements of the Act and regulations; and
  - (b) would have a budget deficit if the recipient's average monthly drug costs were included as an expense.
- (2)** For the purpose of subsection (1), "average monthly drug costs" means the average costs of drugs per month, calculated on the basis of the cost of a recipient's drugs during the 6 months immediately preceding the date on which the recipient's eligibility for pharmacare assistance is determined.
- 65** Where assistance to a recipient who is in receipt of pharmacare assistance is discontinued on or after August 1, 2001, because the total chargeable income from wages of the recipient exceeds the total expenses of the recipient as calculated in accordance with these regulations, the recipient shall be eligible to continue to receive pharmacare assistance for 1 year from the date of discontinuance provided that pharmacare is not available pursuant to a drug plan at the recipient's place of employment or from some other source.

#### **Youths**

- 66 (1)** A youth may be eligible to receive assistance where in the opinion of the caseworker the youth is exposed to an unsafe home environment or an unresolvable adolescent/parent conflict or unable, because of a parental decision, to remain at or to return home, and where the youth is
- (a) attending an educational program not designated for student loan purposes;
  - (b) willing to participate in an employment plan;
  - (c) willing to access counseling or mediation services that a caseworker has identified as necessary for that youth;
  - (d) willing to access medical services necessary to preserve the youth's physical health; and
  - (e) willing to live in a setting that provides a degree of supervision, accountability and guidance in accordance with the age and needs of the youth.
- (2)** Despite clause (1)(e), assistance may be granted to the youth in an independent setting if a caseworker is satisfied that the youth has the necessary life skills and maturity to live alone.

#### **Post-secondary Education**

- 67 (1)** A person attending a post-secondary education program of more than 2 years shall not receive assistance unless the person is funded to attend by the Employability Assistance for Persons with Disabilities Program, which is a program for adults with vocational handicaps funded by Human Resources Development Canada in partnership with the Government of Nova Scotia.

- (2) A person attending a post-secondary education program of 2 years or less shall not receive assistance unless the person is a recipient and
- (a) the recipient is a participant in the Equity Opportunities Program, which is a skills development program for adults funded by Human Resources Development Canada in partnership with the Government of Nova Scotia; or
  - (b) the recipient
    - (i) has been the subject of an employability assessment and the assessment recommends that the recipient has the necessary prerequisite skills and can reasonably be expected to become employed in the selected occupational area at the completion of the post-secondary educational program,
    - (ii) has pursued other feasible sources of income but they are not available or are insufficient,
    - (iii) has been in receipt of assistance or a combination of assistance, family benefits or social assistance for at least 6 months immediately prior to attending the post-secondary educational program, and
    - (iv) is available for work when not involved in the post-secondary educational program.
- (3) A recipient to whom subsection (2) applies shall not receive assistance for tuition or school books or student fees.

### **Overpayments and Underpayments**

#### **Recovery of overpayments**

- 68 (1) The Minister is entitled to use any legal recourse to recover overpayments from a recipient.
- (2) Where an overpayment is to be recovered from a recipient, the maximum amount to be recovered is \$45.00 per month.
- (3) The maximum amount specified in subsection (2) may be increased with the consent of the recipient.
- (4) For the purpose of determining an overpayment, assistance granted in the form of pharmacare assistance is assistance that shall be included in the calculation of an overpayment.

#### **Underpayments**

- 69 Where a recipient receives less assistance than the recipient is entitled to receive through no fault of the recipient, the recipient is eligible to receive the unpaid amount calculated on the basis of the most recent 6 months for which the lesser amount was paid.

### **Default in Maintenance Payments**

- 70 (1) Where a recipient is in receipt of assistance for at least 3 consecutive months and there has been a default in maintenance payments to the recipient for 3 consecutive months, the recipient's budget deficit shall be recalculated without the defaulted maintenance payments included as chargeable income.

- (2) Where there is a continuing default in maintenance payments and the recipient assigns his or her maintenance payments to the Minister, the person's budget deficit shall be recalculated without the assigned maintenance payment included as chargeable income.

### Transitional Provisions

#### Diabetes

- 71 Where a person was receiving family benefits on July 31, 2001, for diabetic drugs and diabetic test materials, the person may continue to receive assistance for those drugs and test materials provided that the person
- (a) suffers from diabetes;
  - (b) requires diabetic drugs and diabetic test materials for the control of that person's condition; and
  - (c) has a budget deficit as determined by the *Family Benefits Schedule "B" Regulations* in force on July 31, 2001.

#### Foster parents

- 72 A foster parent who was receiving family benefits on behalf of a foster child on July 31, 2001, is eligible to continue to receive a money payment in respect of the child in the same manner as determined in the *Family Benefits Schedule "B" Regulations* in force on July 31, 2001.

#### Post-secondary education

- 73 A person who is attending a post-secondary educational program is not eligible to receive assistance unless the person was receiving of family benefits on April 30, 2000, and is enrolled in a post-secondary educational program on August 1, 2001, or has applied for post-secondary education prior to August 1, 2001, and commences attending a post-secondary educational program prior to September 30, 2001.

#### Nova Scotia Child Benefit

- 74 (1) A person who was in receipt of family benefits or social assistance for the whole month of July 2001 and who receives a Nova Scotia Child Benefit based on their eligibility for the Nova Scotia Child Benefit for the 2000-2001 Nova Scotia Child Benefit year, shall be allowed an amount equal to the monthly Nova Scotia Child Benefit received as an expense.
- (2) A person who was in receipt of family benefits or social assistance on behalf of dependent children for the whole month of July 2001 and whose total personal allowance on behalf of all dependent children included in the budget deficit calculation for July 2001 was greater than \$133 times the number of children, shall be allowed the net difference as an expense when calculating a person's entitlement to assistance on behalf of the dependent children.
- (3) A person to whom subsections (1) and (2) apply on August 1, 2001 is not entitled to have the provisions of those subsections applied to them if they become ineligible for assistance and subsequently reapply for assistance under the Act and these regulations.
- 75 Where a recipient is not receiving the Nova Scotia Child Benefit or the National Child Benefit on behalf of a dependent child who is under the age of 18, a personal allowance of \$133 per month shall be provided to the recipient on behalf of the dependent child.

76 A recipient who is receiving, on behalf of a dependent child who is under the age of 18, a combination of the Nova Scotia Child Benefit and the National Child Benefit that is less than \$133 a month, shall be provided the difference between \$133 a month and the combined amount of the Nova Scotia Child Benefit and the National Child Benefit that the recipient receives.

#### Assets

77 A person who was in receipt of family benefits on July 31, 2001, is entitled to retain assets in the amount prescribed under the *Family Benefits Act* and *Family Benefits Schedule "B" Regulations* until such time as the person reapplies for assistance.

#### Pharmacare

78 A foster parent who was receiving pharmacare benefits on behalf of a foster child on July 31, 2001, under the *Family Benefits Act* is eligible to continue to receive pharmacare assistance on behalf of the foster child.

79 A recipient who on July 31, 2001, receives or is entitled to receive a refund pursuant to the *Family Benefits Act* or the *Social Assistance Act* of any co-pay fee paid by the recipient for prescription drugs is entitled to continue to receive a refund of any co-pay fee that would otherwise be required to be paid by that recipient in accordance with these regulations.

### Appendix "A" Prescribed Allowances

Shelter Allowance		
Family Size	Rent/Own Home	Board
1	\$235	\$197
2	\$550	\$242
3+	\$600	\$282

Incremental Shelter Allowance		
Family Size	Rent/Own Home	Board
1	\$300	\$26

<b>Personal Allowance</b>		
<b>Adult</b>	<b>Dependent Child (under age 18)</b>	<b>Dependent Child (age 18 to 20 inclusive)</b>
\$180 renting, own home, boarding	\$133	\$180

<b>Other Allowances</b>	
Maternal nutritional allowance	\$29
School supplies supplement - dependent children aged 5 - 12 years	\$50
School supplies supplement - dependent children aged 13 - 20 years	\$100

<b>Items of Special Need</b>	
Transportation	up to \$150
Child care	up to \$400
Single vision glasses	\$90
Bifocal glasses	\$110
Dental costs	up to \$300 per item
Funeral costs for opening and closing of grave, grave lot, clothing, transportation	up to \$1000
Funeral costs for professional services and cremation urn or casket	up to \$2500
Special diet	up to \$150

N.S. Reg. 26/2001

Made: March 19, 2001

Filed: March 26, 2001

Annexation - Cumberland County

Order dated March 19, 2001  
Respecting an Application made under Section 20 of the  
*Municipal Boundaries and Representation Act*

**ORDER**

**NSUARB-MB-98-02**

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**IN THE MATTER OF THE MUNICIPAL BOUNDARIES AND REPRESENTATION ACT AND  
THE MUNICIPAL GOVERNMENT ACT**

- and -

**IN THE MATTER OF AN APPLICATION** by the  
**MUNICIPALITY OF THE COUNTY OF CUMBERLAND**  
to annex a portion of the **TOWN OF PARRSBORO**

**BEFORE:** Linda D. Garber  
Roland A. Deveau  
Wayne D. Cochrane, Q.C.

**ORDER**

This application having been heard by the Board on January 8, 2001, and the Board having rendered its decision on March 19, 2001;

**IT IS HEREBY ORDERED** that the application is dismissed.

**DATED** at Halifax, Nova Scotia this 19th day of March, 2001.

Sgd: *Elaine Wagner*  
Clerk of the Board



N.S. Reg. 27/2001

Made: March 22, 2001

Filed: March 27, 2001

Proclamation - General Assembly

General Assembly  
Proclamation dated March 22, 2001

**PROVINCE OF NOVA SCOTIA****Signed: Myra A. Freeman**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her  
Other Realms and Territories, Queen, Head of  
the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY  
WISE CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS we have been advised by Our Executive Council that it is in the public interest that the First Session of the Fifty-Eighth General Assembly should be prorogued this 22<sup>nd</sup> day of March, A.D., 2001, and that the Second Session of the Fifty-Eighth General Assembly should meet on Thursday, the 22<sup>nd</sup> day of March, A.D., 2001, at two o'clock in the afternoon, for the dispatch of business:

NOW KNOW YE THAT WE, by and with the advice of Our Executive Council, have thought fit to prorogue the First Session of the Fifty-Eighth General Assembly on the 22<sup>nd</sup> day of March, A.D., 2001, and to summon the said General Assembly and do hereby summon the said General Assembly to meet on Thursday, the 22<sup>nd</sup> day of March, A.D., 2001, at two o'clock in the afternoon, for the dispatch of business, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the Great  
Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Myra A. Freeman, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 22<sup>nd</sup> day of March, in the  
year of Our Lord two thousand and one and in  
the fiftieth year of Our Reign.

BY COMMAND:

Signed: *Michael G. Baker*  
Provincial Secretary  
Minister of Justice and Attorney General