

## Living Allowance

### Eligibility

**Non-Winnipeg Members are entitled** to reimbursement of authorized temporary residence and living expenses if:

- a) the Member's **principal residence is outside a 50 kilometre radius** of the Legislative Building, **and the Member has a temporary residence in Winnipeg, or**
- b) the Member's **principal residence is in Winnipeg, and the Member has a temporary residence outside a 50 kilometre radius** of the Legislative Building **and it is located in his or her constituency, or**
- c) the Member **owns and occupies a residence in Winnipeg and a residence outside a 50 kilometre radius of the Legislative Building** and the Member **designates one of those residences as a temporary residence** for the purpose of the Living Allowance, **or**
- d) the Member's **principal residence is outside Winnipeg but within a 50 kilometre radius** of the Legislative Building **and the Member has a physical disability or infirmity that, as approved by LAMC, makes it reasonable that the Member has a temporary or second-owned residence in Winnipeg.**

Please refer to **Schedule 17** - Map of 50 Kilometre Radius of Legislative Building (*Designated Area*) in the **Schedules section** of this Manual.

If you are eligible for the Living Allowance and you **have not yet established a temporary residence** in Winnipeg or there is an interim period in which you are without a temporary residence, you may claim overnight stay in Winnipeg expenses under the Alternate Living Allowance. Members claiming Living Allowance expenses **cannot claim Alternate Living Allowance expenses in the same month**. Please see Chapter 8 - Alternate Living Allowance.

If you are eligible for the Living Allowance but would **prefer to commute** from home rather than establish a temporary residence in Winnipeg, you may elect to claim expenses under the Commuter Allowance before April 1 each year or on initial election as a Member. Members claiming Living Allowance expenses **cannot claim Commuter Allowance expenses in the same month**. Please see Chapter 6 - Commuter Allowance.

Entitlement to the Living Allowance begins when a Member is elected and ceases upon resignation of the Member or dissolution of the legislature. Members must be declared elected by Elections Manitoba before any eligible expenses may be claimed. Please refer to the Effects of Dissolution section of this Manual for information on the effects of dissolution on the Living Allowance.

## Allowance

The Living Allowance consists of *Temporary Residence Expenses* and *Living Expenses* as follows:

### ***Temporary Residence Expenses***

You are entitled to claim temporary residence expenses to a maximum monthly amount. These costs may relate to a temporary or second owned residence maintained either in Winnipeg, or within your constituency if your permanent residence is located in Winnipeg.

### ***Living Expenses***

***Sitting month:*** You are entitled to claim living expenses at a higher amount in a sitting month **and two additional non-sitting months** of your choice. A “sitting month” is a month in which the legislature sits for one day or more. For the purpose of the Living Allowance, a month in which a standing or special committee sits is considered a sitting month. Note that LAMC is not a standing or special committee.

The Members’ Allowances Office will send you a form requesting your designation of the two additional non-sitting months of your choice at the first House adjournment of the fiscal year, or in the event of an election, upon your election as a Member. Please refer to **Schedule 18 - Designation of Additional Months in the Schedules section** of this Manual.

***Non-sitting month:*** For each month that is not a sitting month or one of the two designated months, you are entitled to claim living expenses at a lower maximum amount. This does not apply to the Speaker, Leaders of the Opposition parties and Members of the Executive Council who may claim living expenses up to the higher sitting month amount in every month including non-sitting months.

Members **must complete a declaration** to establish eligibility for the Living Allowance prior to claiming temporary residence and living expenses. Completed declarations are submitted to the Members’ Allowances Office in Room 9B, Legislative Building. Please refer to

**Schedule 19** - Declaration Respecting Eligibility For A Member's Living Allowance (Principal Residence is Outside Designated Area) and **Schedule 20** - Declaration Respecting Eligibility For A Member's Living Allowance (Principal Residence is in Winnipeg) in the **Schedules section** of this Manual.

A table entitled “*Allowance Entitlements for the Fiscal Year*” is located at the beginning of this Manual and indicates the current maximum monthly amounts for temporary residence expenses and living expenses.

**Note** - During any month in which you choose not to claim any temporary residence expenses and living expenses under the Living Allowance, you may claim overnight stay expenses under the Alternate Living Allowance. Please refer to Chapter 8 - Alternate Living Allowance for eligibility requirements and Alternate Living Allowance expenses.

## Calculations of Amounts

### ***Amounts Calculated April 1***

The amount of the Members' Living Allowance is determined on April 1 of each new fiscal year. There is **no re-calculation** of amounts during a fiscal year, even if the rent increase guideline under *The Residential Tenancies Act* changes.

### ***Cost of Living Adjustment***

***Temporary Residence Expenses:*** A cost of living adjustment is applied to the maximum monthly amount on April 1 of each fiscal year. The maximum monthly amount is adjusted by the percentage rent increase guideline under *The Residential Tenancies Act* and is rounded up to the nearest dollar.

***Living Expenses:*** Cost of living adjustments are applied to the sitting month and non-sitting month maximum monthly amounts on April 1 of each fiscal year. The cost of living adjustment is **the percentage increase or decrease in the Consumer Price Index for Manitoba over the course of the previous calendar year**. The adjusted amount is rounded up to the nearest dollar.

### ***Prorating of Allowance***

In the month in which new Members are elected in a by-election or a general election, they are entitled to the full monthly maximums available for temporary residence expenses and living expenses. A re-elected Member is considered to have remained a Member throughout the election

period, and is entitled only to the unspent balance of his or her temporary residence expenses and living expenses for the month in which he or she is re-elected.

## Authorized Temporary Residence & Living Expenses (A) or (B)

The authorized (A) *temporary residence expenses* and *living expenses* are for Members with a *permanent residence and a temporary residence (rental accommodation)*. **Expenses claimed must relate to the temporary residence only**, maintained either in Winnipeg or within your constituency if your permanent residence is located in Winnipeg.

The authorized (B) *temporary residence expenses* and *living expenses* are for Members with *two owned residences (a principal residence and a second owned residence)*. **Expenses claimed must relate only to the second owned residence that you have designated as your temporary residence**. You may not change your designation within an allowance period (fiscal year) unless you cease to own and occupy the designated residence.

### **(A) Temporary Residence Expenses - Rental Accommodation**

The **actual cost of the following temporary residence expenses** can be claimed up to the maximum monthly amount:

- **rent** for your rental accommodation. Please ensure you have a **cancellation clause with no more than two months' notice** required. If you cease to be a Member, you (or your estate) are responsible for rent payments owing beyond two months from the month you cease to be a Member. Security deposits are not eligible for reimbursement.
- **parking** space if not included in the rent.
- **telephone rental** or charges related to a land line or personal cell phone or Blackberry if not claimed under the Constituency Allowance, answering service and internet access. **Note:** telephone expenses may be claimed either as a temporary residence expense or as a living expense.
- **utilities** including electricity, water, gas and cable television.
- **residential cleaning service**. **Note:** residential cleaning service expenses may be claimed either as a temporary residence expense or as a living expense.

- **furniture rental expenses.**
- **related furniture rental expenses** such as furniture insurance or cleaning costs if not included in the furniture rental expenses. **Note:** related furniture rental expenses such as furniture insurance or cleaning costs may be claimed either as a temporary residence expense or as a living expense.
- **contents insurance.** **Note:** contents insurance may be claimed either as a temporary residence expense or as a living expense.
- **the cost of moving** household effects to or from the rental accommodation. **Note:** moving expenses may be claimed either as a temporary residence expense or as a living expense.

**and**

**(A) *Living Expenses - Rental Accommodation***

Living expenses may be claimed **only** if they are your own expenses and they relate to your use and occupation of your rental accommodation. The **actual cost of the following living expenses** can be claimed up to the maximum monthly amount:

- **dry cleaning.**
- **laundry service and laundry charges** for coin-operated services.
- **meals** at the receipted amounts or at civil service rates. Please refer to **Schedule 1** in the **Schedules section** of this Manual for current civil service southern meal rates.
- **grocery expenses** tied to the preparation of a meal. This includes the expense of food as well as food preparation items such as plastic storage containers or foil wrap.
- **cleaning supplies** such as cleansers, scrub pads and paper towels.
- **household items such as bedding, linens, towels and small appliances.** The cost of household items purchased as a single item or as a set cannot exceed the threshold amount for a capital item under the Constituency Allowance. Please see the table entitled “*Allowance Entitlements for the Fiscal Year*” located at the beginning of this Manual for the current threshold amount.

The expense of a household item may be claimed over two or more months but if you cease to be a Member, the balance must be claimed in the following month.

- **telephone rental** or charges related to a land line or personal cell phone or Blackberry if not claimed under the Constituency Allowance, answering service and internet access. **Note:** telephone expenses may be claimed either as a temporary residence expense or as a living expense.
- **residential cleaning service.** **Note:** residential cleaning service expenses may be claimed either as a temporary residence expense or as a living expense.
- **contents insurance.** **Note:** contents insurance may be claimed either as a temporary residence expense or as a living expense.
- **the cost of moving** household effects to or from the rental accommodation. **Note:** moving expenses may be claimed either as a temporary residence expense or as a living expense.

**OR**

***(B) Temporary Residence Expenses – Designated Second Owned Residence***

The **actual cost of the following (designated) temporary residence expenses** can be claimed up to the maximum monthly amount:

- **property taxes.**
- **mortgage interest** (not principal).
- **common element fees.**
- **telephone rental** or charges related to a land line or personal cell phone or Blackberry if not claimed under the Constituency Allowance, answering service and internet access. **Note:** telephone expenses may be claimed either as a temporary residence expense or as a living expense.
- **utilities** including electricity, water, gas and cable television.
- **insurance related** to the designated residence. **Note:** insurance may be claimed either as a temporary residence expense or as a living expense.
- **essential repairs** necessary to maintain the structural integrity of the

designated residence. Expenses related to normal wear and tear, such as a water heater, **cannot** be claimed. Renovations **cannot** be claimed.

and

**(B) Living Expenses – Designated Second Owned Residence**

Living expenses may be claimed **only** if they are your own expenses and they relate to your use and occupation of your designated residence. The **actual cost of the following living expenses** can be claimed, up to the maximum monthly amount:

- **dry cleaning.**
- **laundry service and laundry charges** for coin-operated services.
- **meals** at the receipted amount or at civil service rates. Please refer to **Schedule 1** in the **Schedules section** of this Manual for current civil service southern meal rates.
- **grocery expenses** tied to the preparation of a meal. This includes the expense of food as well as food preparation items such as plastic storage containers or foil wrap.
- **cleaning supplies** such as cleansers, scrub pads and paper towels.
- **household items such as bedding, linens, towels and small appliances.** The cost of household items purchased as a single item or as a set cannot exceed the threshold amount for a capital item under the Constituency Allowance. Please see the table entitled “*Allowance Entitlements for the Fiscal Year*” located at the beginning of this Manual for the current threshold amount.

The expense of a household item may be claimed over two or more months but if you cease to be a Member, the balance must be claimed in the following month.

- **telephone rental** or charges related to a land line or personal cell phone or Blackberry if not claimed under the Constituency Allowance, answering service and internet access. **Note:** telephone expenses may be claimed either as a temporary residence expense or as a living expense.
- **residential cleaning service.**

- **home owner’s insurance.** **Note:** home owner’s insurance may be claimed either as a temporary residence expense or as a living expense.
- **the cost of moving** household effects to or from the designated residence.

## **How to Claim**

### ***Year End Cut-off of Members’ Claims***

Claims for all expenses incurred in a fiscal year must be submitted by June 30 following the fiscal year just ended.

### ***Types of Payment of Expenses***

1. **Civil service rates.**

Meals may be claimed at civil service rates. (Restaurant meals may also be claimed at the actual cost with a receipt.)

2. **Reimbursement of expenses.**

You will need to provide proof of payment and any required supporting documentation. You may claim multiple expenses on one claim form. You should submit these claims on a regular basis as you are paying for these expenses “out of pocket”. You may be using your personal funds, a credit card or a line of credit and will need to repay these sources of funds.

3. **Direct Payment to a third party.**

If a **temporary residence expense or living expense exceeds \$100.00**, you may request that it be paid directly to the person or vendor to whom it is owed. You will need to provide an original invoice, contract or other document evidencing the expense owed and any required supporting documentation. Each direct payment request must be submitted on a separate claim form.

**You may request that your monthly rent be paid directly to your landlord.** To allow for direct payment of your rent, **12 Living Allowance claim forms are sent to you on an annual basis, for your signature and return to the Members’ Allowances Office.** *A copy of your temporary residence lease must be filed with the Members’ Allowances Office.*

**4. Prepayment of expenses.**

Expenses that are normally prepaid such as the last month's rent in a lease may be claimed at the time payment is due. If for any reason the prepaid expense becomes an ineligible expense (because you cease to be a Member, for example), any balance of the prepaid expense becomes a debt to the Province.

**5. Expenses reimbursed from another source.**

Expenses reimbursed from another source, including another allowance, are not claimable under the Living Allowance.

It is recommended that you maintain a diary of expenses showing whether you were acting on constituency business or Legislative Assembly business, or acting in another capacity, such as Minister, Opposition Leader, Legislative Assistant, etc. This will assist you in determining if any portion of an expense is reimbursable or payable from another source, including another allowance.

**6. Federal and provincial tax.**

Members are not exempt from federal or provincial taxes.

***Living Allowance Claim Form and Supporting Documentation***

**Living Allowance Claim Form**

A claim for any temporary residence expense or living expense must be made on the Living Allowance claim form. The claim form must include a **statement of the intended purpose** of the expense. The claim form must be accompanied by **proof of payment** and any **additional supporting documentation** that is required. You must sign the claim form. Keep a copy for your records. Submit the original signed claim form with the information described below to the Members' Allowances Office in Room 9B, Legislative Building.

Please contact the Members' Allowances Office if you require a copy of the electronic claim form.

**Statement of Intended Purpose**

The Living Allowance claim form provides a box for the Member to check to indicate that the expenses claimed are in relation to the Member's use or occupancy of the temporary residence.

**Proof of Payment**

Unless no receipt can be provided, **proof of payment** is always:

- the **original receipt** showing payment of the expense

**If no receipt can be provided**, then proof of payment can be:

- a copy of a bank statement or bank statement excerpt that identifies the expense and the payee.
- an image of the cancelled cheque that was provided as payment for the expense.
- an invoice for the expense marked “paid” by the supplier.

**If payment is to be made directly to a third party, rather than reimbursement to a Member:**

- instead of proof of payment, the Member must provide an original invoice, contract or other document evidencing the expense owed.

**Proof of payment is not required** for meal expenses at civil service rates.

**Additional Supporting Documentation**

Claims for meal expenses under the Living Allowance require additional supporting documentation as follows:

**meals claimed at civil service rates** - *the date of the meal must be identified on the face of the claim form.*

**meals claimed at actual cost** - *the date of the meal, location (city, town or village) and name of the restaurant must be identified on the face of the claim form.*

## Appeal

Members are entitled to appeal any decision made under the *Members’ Allowances Regulation* to a person appointed by LAMC and that person’s decision is final. The appeal must be in writing and must present the argument of the Member. Please contact the Members’ Allowances Office for information on the appeal process.

## Conflict of Interest Qualification

Any temporary residence expense or living expense is **not** an eligible expense for reimbursement if there is a direct financial interest or ownership in the business providing the service for **you or your spouse or common-law partner, or a relative of yours or of your spouse or common-law partner, or another Member, another Member's spouse or common-law partner, or a relative of any of the above-named persons**, and it is reasonable that you know or should have known of the existence of the direct financial interest/ownership.

Please refer to the **Definitions section** of this Manual for a complete description of the Conflict of Interest Qualification and definitions of common-law partner and relative. A diagram of the relationships indicated above is provided as **Schedule 4 - Diagram of Relationships** defined by “Relative” in the **Schedules section** of this Manual.

## Reporting and Disclosure

The **Reporting and Disclosure section** of this Manual provides information on reports relating to Members’ Allowances such as Month End Reports and Members’ Annual Reports for tabling, and public disclosure of information requirements including Legislative Assembly website publications.

## Effects of Dissolution on the Living Allowance

The **Effects of Dissolution section** of this Manual provides information on the effects of dissolution on the Living Allowance.

## Definitions

The following terms are defined in the Definitions section of this Manual:

“authorized expense”  
“capital property”  
“common-law partner”  
“direct financial interest”  
“LAMC”  
“non-sitting month”  
“relative”  
“sitting month”  
“Winnipeg Member”

## **Listing of Schedules**

Please refer to the **Schedules section** of this Manual for a listing and copies of all Schedules noted in the Living Allowance Chapter.