

Reasons for Decision:

Order # AP1819-0456

<name removed> appealed that their Rent Assist benefit is insufficient to meet their needs.

The Department advised that they received a re-application for the Rent Assist benefit along with supporting documents from <name removed> on <date removed>. The re-application was assessed and approved for <amount removed> monthly effective <date removed>, based on their <year removed> household net income statement in the amount of <amount removed> as determined by the Canada Revenue Agency.

The program calculates the amount payable on a sliding scale based on a family's income. The Regulation does not allow for eligibility for Rent Assist benefits to be calculated based on current circumstances.

<name removed>'s previous application was assessed and approved for <amount removed> monthly effective <date removed> and increased on <date removed> to <amount removed> due to program changes. The income was based on their <year removed> net household income of <amount removed>. <name removed>'s spouse had not landed in Canada at that time and had not filed their taxes for <year removed>. As there was an increase in the household income between <years removed>, there was a decrease in the eligible benefit amount.

<name removed>'s stated that they and their spouse are both students and not able to work which makes it very difficult to manage their finances. The appellant said they understands the Regulations; however, their current benefit amount does not accommodate their current circumstances.

*Section 11.1.1(2) of the Manitoba Assistance Regulations state states:
When an application for shelter assistance under this Part is made
(a) in the first six months of a calendar year, a person's net income is to be determined based on the taxation year that ended on December 31 of the second preceding calendar year; and
(b) in the last six months of a calendar year, a person's net income is to be determined based on the taxation year that ended on December 31 of the preceding calendar year.*

After carefully considering all the written and verbal information, the Board has determined that <name removed>'s eligibility for the Rent Assist program has been properly assessed in accordance with The Manitoba Assistance Regulation. The program does not have discretion to deduct applicants' general expenses, with the

exception of a shelter expense deduction, in the calculation formula. The Regulation provides for the calculation of the amount payable on a sliding scale based on a person's income. The Regulation does not allow any discretion to review current circumstances. Therefore, the decision of the Director has been confirmed, and this appeal is dismissed.

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