

Reasons for Decision:

Order #AP2021-0134

On July 21, 2020, <name removed> filed an appeal against the Department's decision to deny their Rent Assist application. The decision letter was dated <date removed>.

The decision letter stated <name removed>'s application had been denied because their Option C income tax notice did not show eligible rental payments on line 6110.

<name removed> was assisted at the hearing by <advocate removed>. The advocate told the Board that <name removed> paid rent in <year removed>, but the payments were inadvertently omitted from their <year removed> income tax return. The advocate stated <name removed> filed a T1 Adjustment request with the Canada Revenue Agency as soon as the error was discovered, but they have not yet received their Notice of Reassessment.

The Department told the Board that a Rent Assist recipient must submit a new application annually. Each application must show eligible rental payments on line 6110 of the Option C notice.

The Department stated the requirement that rent be declared on line 6110 is a policy, and is not contained in the Regulation. The purpose of the policy is to establish that the person applying for Rent Assist is the person who actually paid the rent.

The Department explained it does not accept a payment summary from the landlord as proof, because the summary does not indicate whether another person in the household paid the rent, or if the applicant was assisted financially by a third party.

The Department told the Board that if it receives the revised <year removed> Option C notice in a timely manner, it will complete <name removed>'s application effective July 1, 2020.

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

The Board recommends that <name removed> submit their revised Option C to the Department as soon as they receives it.

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