

**Reasons for Decision:**

**Order # AP2021-0056**

On <date removed>, <name removed> filed an appeal of the Director's decision to deny their application for Rent Assist under *The Manitoba Assistance Act*. The date of the decision was <date removed>.

The decision letter sent to the appellant indicated the reason for the decision was that their <year removed> net household income was greater than the maximum income threshold.

The appellant was represented at the hearing by their common law partner, <name removed>.

The Department told the Board that the rent assist subsidy is income based, and is determined entirely from the income values on an applicant's income tax option C print out. When calculating an applicant's eligibility, the Department does not consider expenses, financial needs, or changes to employment.

The Department stated that the appellant and <name removed>'s <year removed> net household income exceeded the maximum income threshold, and they were therefore found ineligible for the subsidy. The Department will begin using <year removed> income on <date removed>, and The appellant is able to reapply if their household income is below the maximum threshold.

<name removed> indicated that they and the appellant's <year removed> net family income was slightly above the maximum threshold. <name removed> stated their net family income decreased in <year removed> to a level below the maximum threshold.

<name removed> stated both they and the appellant are currently unemployed, and as a result are experiencing financial challenges. <name removed> acknowledged they could reapply for the subsidy after July 1, but requested the subsidy prior to this date to assist with their current financial difficulties.

In response to a question from the Board, the Department indicated the income thresholds for the subsidy are set by legislation and regulation. The legislation and regulation do not allow any discretion in calculating the subsidy.

In response to a question from the Board, <name removed> acknowledged that he understood that their and the appellant's income was over the maximum threshold when they applied for the subsidy.

The Board notes that <name removed> understood that their and the appellant's family income was above the threshold to receive the subsidy when they applied. The Board acknowledges the verbal evidence provided by <name removed> of the financial challenges they and the appellant are experiencing; however, these financial challenges have no impact on the calculation of the subsidy.

After careful consideration of the written and verbal evidence submitted to it, the Board determines that the Department assessed the appellant's application correctly according to the legislation and regulations, and that there is no provision in the legislation for discretion. The Board confirms the Director's decision to deny the Rent Assist subsidy.

## **DISCLAIMER**

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