



# Income Assistance **Ongoing Eligibility**

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<http://www.dal.ca/faculty/law/dlas/public-legal-education.html>

## Overview

It is up to IA recipients to prove their ongoing eligibility for IA.

If a recipient undergoes a change of circumstances – i.e. starts a job, gets married, etc... They must provide their caseworker with that information.

If a recipient does not advise their caseworker of the change in their circumstances it may result in their income assistance being cut-off, and a subsequent overpayment.

### Employment

*Regulations 17 – 20; Policy Manual 5.17.4 – 5.17.4 & 7.1.1 – 7.1.4*

Some of the services offered to IA recipients are those which fall under the umbrella of *Employment Support Services*.

IA recipients, and their spouses, **must** undergo an employability assessment.

If the assessment determines they are able to work IA recipients, and their spouses, **must** enter into an employment plan.

Failure to accept suitable employment or participate in services that are part of an employment plan may result in ineligibility for IA.

IA will be discontinued for 6 weeks if an IA recipient, or their spouse:

- i. Quit a job without just cause;
- ii. Was fired with just cause; or
- iii. Quit a job for the purpose of qualifying for additional assistance.

### Assets

*Regulations 2(f), 55 & 60A; Policy Manual 5.7.10 – 5.7.16*

An IA recipient, or their spouse or dependent child who obtains applicable assets in excess of the asset limits can be cut off income assistance for not less than 1 month or more than 1 year.

Cut offs due to excess assets can be prevented if the excess assets are spent on certain items previously listed in **Slide 8**.

Cut offs can also be prevented if a recipient places their asset (assuming it is cash) into certain types of exempt assets – i.e. RESP's and RDSP's.

Prior to spending or investing excess assets it is **essential** that an IA recipient receive supervisory approval.

## Cohabitation

*Regulations 6, 7, 15(3), 15(4) & 47; Policy Manual 5.1.9, 5.1.10 & 5.7.1*

If an IA recipient begins cohabiting with someone they **must** advise their caseworker.

An IA recipient's cohabitant's income will be included in assessing the family's eligibility if the cohabitant meets the definition of a 'spouse'.

According to the *ESIA Regulations* a spouse includes a husband or wife of an applicant or recipient **or** a common-law or same-sex partner of an applicant or recipient.

Common law partners must live with one another in a relationship of interdependence – both economically and domestically. In addition **1** of the following must apply to the 2 people in the relationship:

- i. They have lived together for 12 consecutive months;
- ii. They have a child or children – either by birth, adoption or legal custody;
- iii. They previously lived together for 12 consecutive months, including any separation of less than 90 days; **or**
- iv. They advise a caseworker they are a common-law couple.

The Regulations stipulate that proof of cohabitation can be proven by any relevant evidence, and is **deemed** to occur where 2 people represent themselves to others to be each other's spouse.

Unfortunately mere allegations of cohabitation often result in IA being cut-off and possible resultant overpayments.

## Acknowledgement

Dalhousie Legal Aid Service would like to gratefully acknowledge and thank the [Law Foundation of Ontario](#) for its financial support of LEAP.

## Disclaimer

This document contains general legal information and not legal advice. **If you need advice about a specific legal problem then you should contact a lawyer.** If you will have difficulty affording a lawyer then you should contact [Nova Scotia Legal Aid](#) or [the Legal Information Society of Nova Scotia's lawyer referral service](#).

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