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Coming into force of Acts

Gouvernement du Québec

O.C. 1072-2006, 22 November 2006

Individual and Family Assistance Act (2005, c. 15) An Act to amend the Act respecting administrative justice and other legislative provisions (2005, c. 17) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Individual and Family Assistance Act and the Act to amend the Act respecting administrative justice and other legislative provisions

WHEREAS the Individual and Family Assistance Act (2005, c. 15) and the Act to amend the Act respecting administrative justice and other legislative provisions (2005, c. 17) were assented to on 17 June 2005;

WHEREAS, under section 200 of the Individual and Family Assistance Act, certain provisions of that Act come into force on the date or dates to be set by the Government;

WHEREAS section 50 of the Act respecting administrative justice and other legislative provisions provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS, by Order in Council 819-2005 dated 31 August 2005, the Government set 1 October 2005 as the date of coming into force of section 191 of the Individual and Family Assistance Act;

WHEREAS, by Order in Council 1021-2005 dated 2 November 2005, the Government set 1 January 2006 as the date of coming into force of sections 1 to 16, 18 to 30, 32 and 48 of the Act to amend the Act respecting administrative justice and other legislative provisions, and 1 July 2006 as the date of coming into force of sections 17, 31, 33 to 42, 44, 45 and 49 of that Act;

WHEREAS it is expedient to set 1 April 2007 as the date of coming into force of sections 74 to 83 and 108 of the Individual and Family Assistance Act and of section 137 of that Act for the part concerning the Youth Alternative Program and a specific program;

WHEREAS it is expedient to set 1 January 2007 as the date of coming into force of any other provision of that Act not yet in force, except the second sentence of the first paragraph of section 64;

WHEREAS it is expedient to set 1 January 2007 as the date of coming into force of sections 46 and 47 of the Act to amend the Act respecting administrative justice and other legislative provisions;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity and the Minister of Justice:

THAT 1 April 2007 be set as the date of coming into force of sections 74 to 83 and 108 of the Individual and Family Assistance Act (2005, c. 15), and of section 137 of that Act for the part concerning the Youth Alternative Program and a specific program;

THAT 1 January 2007 be set as the date of coming into force of any other provision of that Act not yet in force, except the second sentence of the first paragraph of section 64;

THAT 1 January 2007 be set as the date of coming into force of sections 46 and 47 of the Act to amend the Act respecting administrative justice and other legislative provisions (2005, c. 17).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 1073-2006, 22 November 2006

Individual and Family Assistance Act
(2005, c. 15)

Individual and family assistance

Individual and Family Assistance Regulation

WHEREAS, under sections 131 to 136 of the Individual and Family Assistance Act (2005, c. 15), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Individual and Family Assistance Regulation was published in Part 2 of the *Gazette officielle du Québec* of 21 June 2006 with a notice that it could be made by the Government on the expiry of 90 days following that publication;

WHEREAS the 90-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Individual and Family Assistance Regulation, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Individual and Family Assistance Regulation

Individual and Family Assistance Act
(2005, c. 15, ss. 131 to 136 and 190)

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TITLE I	INTERPRETATION	

1. For the purposes of this Regulation, any reference to an employment-assistance measure or program or to a social assistance and support measure or program is a reference to such a measure or program established under Chapter I of Title I of the Individual and Family Assistance Act (2005, c. 15).

2. Any reference to an employment-assistance allowance, a support allowance or additional expenses granted by the Minister is a reference to such an allowance or such expenses granted under Chapter I of Title I of the Act, and any reference to an employment-assistance allowance, support allowance or additional expenses recognized by the Minister is a reference to recognition under that Chapter.

3. Any reference to the Social Assistance Program, the Social Solidarity Program, the Youth Alternative Program or a specific program is a reference to such a program established under the Act.

4. Adults are sheltered as soon as a contribution may be required for the adults under section 512 of the Act respecting health services and social services (R.S.Q.,

c. S-4.2) or section 159 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) as beneficiaries or users sheltered in a facility maintained by an institution referred to in either of those Acts.

Adults are also sheltered while held in custody for an assessment under section 672.11 of the Criminal Code (R.S.C. 1985, c. C-46).

5. The expressions “child and youth protection centre”, “rehabilitation centre”, “hospital centre”, “residential and long-term care centre” and “local community service centre”, and the term “institution” when used in relation to one of those expressions, and the expressions “foster home” and “foster family” have the meaning assigned to them by the Act respecting health services and social services. The same applies to the expression “intermediate resource”.

According to the Act respecting health services and social services for Cree Native persons, the expressions and term referred to in the first sentence of the first paragraph also include and mean respectively a “social services centre”, a “reception centre in the class of rehabilitation centres”, a “hospital centre in the class of short-term care centre”, a “reception centre in the class of residential care centre” and a “hospital centre in the class of long-term care centre”, a “local community service centre”, an “institution”, a “foster family for adults” and a “foster family for children”.

TITLE II EMPLOYMENT-ASSISTANCE AND SOCIAL ASSISTANCE AND SUPPORT MEASURES, PROGRAMS AND SERVICES

6. The provisions of the Labour Code (R.S.Q., c. C-27), the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Public Service Act (R.S.Q., c. F-3.1.1) and the Act respecting labour standards (R.S.Q., c. N-1.1) do not apply to work activities that are not governed by the Code or the Acts.

The provisions also do not apply to work activities carried out under employment-assistance measures or programs focused on training or the acquisition of skills. They also do not apply to work activities carried out under employment-assistance measures or programs that include workplace exploration intended to clarify vocational orientation or to support entry on the labour market or job preparation, for the first four weeks of each training period, or to work activities carried out under the Young Volunteers employment-assistance measure.

In addition, the provisions do not apply to a person who carries out certain work activities under a social assistance and support measure or program if the activities are part of the person's efforts to develop his or her self-sufficiency and promote his or her social and professional integration.

7. The amount of the employment-assistance allowance granted under the second paragraph of section 14 of the Individual and Family Assistance Act to a person who is a recipient under a financial assistance program provided for in Title II of the Act may not be less than \$30 per week.

8. The amount of the support allowance granted by the Minister under section 16 of the Act to a recipient under the Social Assistance Program or the Social Solidarity Program is \$130 per month per person.

9. For the purposes of the second paragraph of section 17 of the Act, financial assistance granted as an employment-assistance allowance to a Native person is financial assistance granted as such under a manpower and employment agreement entered into with the Government of Canada as part of its Aboriginal Human Resources Development Strategy.

10. For the purposes of section 19 of the Act, a person may concurrently receive the allowances provided for therein for a maximum period of two consecutive months if the eligibility period for one of those allowances begins during the month in which the eligibility period for another of those allowances ends.

11. For the purposes of section 20 of the Act, the part of an employment-assistance allowance that is unseizable for non-payment of support is set at \$30 per week.

TITLE III COMMON PROVISIONS

CHAPTER I INTERPRETATION

12. A child who is a dependant of a brother, sister, uncle, aunt, grandparent or adult who has custody of the child under an order, except in the case of a foster family, is a dependant of an adult other than the child's father or mother.

13. Where custody of a child is shared between the child's father and mother, or with another adult, in the latter case under an order, the child is considered to be a dependant of the father, mother or other adult if custody arrangements provide for at least 40% custody.

Custody arrangements are determined on a monthly basis taking into account the annual percentage of the custody time set by the court or, if applicable, agreed between the parties.

14. A child sheltered by an institution operating a rehabilitation centre or taken in charge by an intermediate resource or a foster family is a dependant of a family if the child's gradual reintegration into the family is part of an intervention plan or individualized service plan established by an institution operating a local community service centre or a child and youth protection centre.

15. A child who does not reside in Québec within the meaning of section 20 is not a person's dependant, unless the child must be absent for one of the reasons and for the duration specified in sections 21 and 22 or for the duration of full-time studies being pursued.

16. A child whose work income or income from a public plan that would cause the financial assistance granted to the child's family to fall below the amount to which it would be entitled if the child were not part of the family is not a person's dependant if the person makes a request to that effect to the Minister.

17. An adult who is a minor forms a family with her dependent child so long as they are sheltered in the same facility maintained by an institution operating a rehabilitation centre or a hospital centre.

18. An adult sheltered or taken in charge by an intermediate resource or a foster home, and an adult incarcerated in a penitentiary or detained in a house of detention or any other prison, or required to reside in a half-way house, ceases to be a member of a family.

19. An adult or a dependent child becomes or ceases to be a member of a family on the date of the event.

For the purposes of a last resort financial assistance program,

(1) a dependent child who becomes an additional member of the family is considered to be a member of the family as of the preceding month;

(2) subject to sections 14 and 17, a dependent child sheltered by an institution operating a rehabilitation centre or taken in charge by an intermediate resource or a foster family ceases to be a member of the family as of the third month following the month in which the child was sheltered or taken in charge;

(3) an adult who is sheltered ceases to be a member of the family as of the third month following the month of admission to shelter; however, an adult who has been hospitalized for at least 45 days in a facility maintained by an institution operating a hospital centre at the time of admission to shelter is deemed to have been sheltered since the 45th day preceding the day of the admission;

(4) an adult incarcerated in a penitentiary or detained in a house of detention or in any other prison, or who is required to reside in a half-way house ceases to be a member of the family as of the third month following the month of the adult's incarceration or detention; and

(5) an adult or a dependent child who dies ceases to be a member of the family as of the third month following the death.

CHAPTER II GENERAL ELIGIBILITY REQUIREMENTS

20. For the purposes of the first paragraph of section 26 of the Act, an adult's residence is the place where the adult is ordinarily resident.

An adult ceases to reside in Québec as soon as the adult has been absent for a full calendar month, which is a period extending from the first day to the last day of the month.

21. Despite the second paragraph of section 20, an adult resides in Québec even if the adult must be temporarily absent

(1) to receive treatment required by the adult's physical or mental condition, on the written recommendation of a physician entered on the roll of the Ordre des médecins du Québec, for the duration indicated by the physician;

(2) to accompany, for a period of not more than six months, the person who provides the adult with the constant care required by the adult's physical or mental condition;

(3) to participate in an employment-assistance measure or program; or

(4) to carry out remunerated work if the adult is a member of a family residing in Québec.

22. An adult who provides constant care to a person whose autonomy is significantly reduced because of a physical or mental condition and who must accompany that person during the person's absence from Québec for the reason given in paragraph 1 of section 21 resides in Québec.

An adult who is retained outside Québec owing to a force majeure for a period of not more than six months also resides in Québec.

23. For the purposes of paragraph 1 of section 27 of the Act, attending a secondary-level educational institution in a vocational program or a postsecondary educational institution means, for an adult,

(1) pursuing studies on a full-time basis in a vocational program at the secondary level;

(2) pursuing studies at the postsecondary level

(a) on a full-time basis;

(b) in more than two courses or in courses giving more than six credits or units per term;

(c) in one or more courses giving credits or units corresponding to a total of more than six periods or hours of instruction per week, including laboratories and supervised practical work;

(d) being registered for more than six credits per term for a master's or doctoral thesis;

(3) being deemed to pursue recognized studies on a full-time basis within the meaning of section 10 of the Act respecting financial assistance for education expenses (R.S.Q., c. A-13.3) or section 46 of the Regulation respecting financial assistance for education expenses made by Order in Council 344-2004 dated 7 April 2004; or

(4) being deemed to be enrolled in the institution within the meaning of section 27 of the Regulation respecting financial assistance for education expenses.

24. Despite section 23, an adult who attends a secondary-level educational institution in a vocational program or a postsecondary educational institution is eligible to receive financial assistance if the attendance is part of an employment-assistance or social assistance and support measure or program.

25. The spouse of a student who is ineligible under paragraph 1 of section 27 of the Individual and Family Assistance Act is eligible for financial assistance if the student

(1) is eligible for financial assistance under the Act respecting financial assistance for education expenses (R.S.Q., c. A-13.3);

(2) is ineligible for financial assistance because of the contribution of the student's parents; or

(3) is ineligible for financial assistance for a reason other than the reason given in subparagraph 2, until the decision of the minister responsible is made pursuant to section 44 of the Act respecting financial assistance for education expenses.

For the purposes of a last resort financial assistance program and except for sections 57, 101, 128, 129, 132 to 151 and 164, a student's spouse ceases to be a member of the family as of the month in which the student becomes ineligible for financial assistance under the Individual and Family Assistance Act.

26. An independent adult required to reside in a half-way house is eligible for financial assistance from the month in which the adult begins residing in the half-way house if the adult

(1) is released on supervised probation under section 5 of the Act respecting correctional services (R.S.Q., c. S-4.01);

(2) is authorized to be temporarily absent from a house of detention under section 22.2 of the Act respecting correctional services and a certificate from the Director General within the meaning of paragraph *b* of section 1 of that Act certifies that the absence will likely be extended; or

(3) is released on parole under section 21 of the Act to promote the parole of inmates (R.S.Q., c. L-1.1).

For the purposes of this section, a half-way house means a community residential centre, a community shelter or a foster home under a service contract with the Minister of Public Security to facilitate social rehabilitation of the persons required to reside there.

CHAPTER III ADMINISTRATIVE RULES

27. An application for financial assistance may be made by a responsible person on behalf of a person eligible for financial assistance.

28. An application for financial assistance may not be refused by reason of a defect in form or an irregularity of procedure that has no bearing on entitlement to or the amount of the financial assistance.

29. Any notice sent to the person to whom it is addressed or to a person representing that person, at the address provided by the person, is validly given.

30. A recipient of financial assistance under the Social Assistance Program or a specific program must, every month, file a short form statement of circumstances. A person eligible to receive dental and pharmaceutical services pursuant to section 48 or financial assistance under the Social Solidarity Program or the Youth Alternative Program must file a short form statement when a change in circumstances occurs.

The Minister ceases to pay financial assistance to a person who does not file the short form statement in the manner determined by the Minister, unless the person proves that timely filing was impossible.

Despite the foregoing, a person is required to declare the amounts received as a child assistance payment under section 1029.8.61.28 of the Taxation Act (R.S.Q., c. I-3) or as a national child benefit supplement under subdivision *a.1* of Division E of Part I of the Income Tax Act (R.S.C. 1985, c. 1, 5th Supp.) only at the request of the Minister.

31. For the purposes of section 119 of the Individual and Family Assistance Act, the Minister is required to pay interest on the amount that should have been granted from the date of the initial decision or the effective date of that decision if that date is later. The rate is the rate determined under the second paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) and the interest is part of the financial assistance granted.

If the decision concerns a special benefit other than those in sections 100, 101 and 108, the interest is payable if the person certifies in writing that he or she acquired the goods or services covered by the special benefit applied for before the date of the review decision or the decision of the Administrative Tribunal of Québec; the interest is calculated from the date on which the person acquired the goods or services.

32. The Minister is not required to pay interest if

(1) the amount owed is less than \$1;

(2) the decision concerns a special benefit reimbursed by the Régie de l'assurance maladie;

(3) the independent adult or the family has received benefits under sections 49 and 114 of the Individual and Family Assistance Act; or

(4) the independent adult or the family has received benefits following a suspension order made by the Administrative Tribunal of Québec under section 107 of the Act respecting administrative justice (R.S.Q., c. J-3).

CHAPTER IV FINANCIAL ASSISTANCE ADMINISTERED BY A THIRD PERSON

33. The Minister pays financial assistance to a person or body the Minister designates under section 34 of the Individual and Family Assistance Act if the adult or, where applicable, each adult member of the family or the adult's representative agrees thereto.

The designated person or body must administer the financial assistance free of charge.

34. The person or body designated by the Minister must use the financial assistance reasonably, solely for the benefit of the adult or family in whose respect the amount is paid, and not derive any direct or indirect benefit therefrom.

If the sums accumulate, they must be invested reasonably considering the amount they represent, the interest being added to the principal.

35. The staff of an institution operating a rehabilitation centre, residential and long-term care centre or hospital centre and the persons practising therein may not act as designated persons, except in the case of a person required to provide support to the adult under the Civil Code. The Minister may, however, designate the institution to act as a designated body.

36. The designated person or body must not use the financial assistance granted by the Minister to pay expenses related to the services that the institution, intermediate resource or foster home must provide as part of its mission or to pay expenses incurred by a person employed by the institution, intermediate resource or foster home.

37. The designated person or body may pay the cost of personal services provided by the institution, intermediate resource or foster home, without being required to do so, for the adult for whom the financial assistance is administered, insofar as the cost does not exceed the cost normally required for an equivalent service.

38. The designated person or body must manage the financial assistance the person or body administers separately for each adult or, where applicable, for each family, in such manner that the financial assistance may be identified and its existence and use justified. In the case of a body or an institution, it must keep a book of account for that purpose and make it available to the Minister.

39. The designated person or body must retain the vouchers for the expenses paid using the financial assistance the designated person or body administers and, at the request of the Minister, submit a report on the administration of the financial assistance to the Minister.

TITLE IV LAST RESORT FINANCIAL ASSISTANCE PROGRAMS

CHAPTER I INTERPRETATION

40. For the purposes of this Title, an independent adult or a family who is eligible to receive dental and pharmaceutical services pursuant to section 48 is not a recipient under a last resort financial assistance program.

41. An independent adult or a family resides in the same dwelling unit as another person

(1) if the dwelling unit is occupied with a co-lessee or co-owner;

(2) when fewer than three rooms are rented or offered for rent if the dwelling unit is occupied with another independent adult or another family;

(3) when three or more rooms are rented or offered for rent if the dwelling unit is occupied with a recipient under a last resort financial assistance program with whom the independent adult or family does not form a family and who is an ascendant or descendant in the direct line or a brother or sister, if the recipient, independent adult or family is the owner or lessee of the dwelling unit; or

(4) if a room is occupied with another independent adult or another family, except in the case of a community residence that provides room and board and assistance or rehabilitation services for a consideration.

Despite the first paragraph, the spouse of an ineligible student is deemed to reside in the same dwelling unit as the student.

42. Despite section 41, the person in charge of a foster family, a foster home, an intermediate resource, a shelter for victims of violence or a foster home under a service contract with the Minister of Public Security is deemed not to reside in the same dwelling unit as the persons taken in charge.

An independent adult or a family taken in charge by one of the resources listed in the first paragraph is deemed not to reside in the same dwelling unit as the other persons so taken in charge.

43. For the purposes of this Regulation, housing premises are a dwelling unit if they have a separate exit leading outside or to a common corridor, self-contained sanitary facilities and a separate area for the preparation of meals.

44. Unless otherwise provided, “work income” refers to any remuneration paid for the performance of work. Benefits, indemnities or pensions granted to compensate the loss of such income because of, among other things, a disability or retirement do not constitute work income.

CHAPTER II ELIGIBILITY

45. An application for eligibility is made on the date on which the form provided by the Minister, duly completed and signed, is received by the Minister.

If the Minister has already received a written document from the applicant indicating the applicant’s intent to make an application, the date of application is the date on which the Minister receives the document, if the form provided by the Minister is completed and signed within a reasonable time.

46. A statement by an adult who is sheltered to the effect that the adult wishes to be exempted from paying the price of the shelter stands in lieu of a validly completed application for eligibility if the statement contains the information relevant to such an application.

47. An adult in a class of persons other than those referred to in subparagraphs 1 to 4 of the first paragraph of section 26 of the Act and who is in one of the following situations is eligible under a last resort financial assistance program:

(1) the adult applies for asylum to be granted in Canada by the competent Canadian authority in accordance with the Immigration and Refugee Protection Act (S.C. 2001, c. 27);

(2) the adult has been refused asylum, but the adult’s presence in the territory is permitted in accordance with the Immigration and Refugee Protection Act;

(3) the adult is the subject of an application to become a permanent resident on humanitarian or public interest grounds made in accordance with the Immigration and

Refugee Protection Act, has a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and the adult’s spouse is a person referred to in subparagraphs 1 to 4 of the first paragraph of section 26 of the Individual and Family Assistance Act.

48. An independent adult or a family who ceases to be eligible under a last resort financial assistance program continues to be eligible to receive the dental and pharmaceutical services to which sections 70 and 71.1 of the Health Insurance Act (R.S.Q., c. A-29) refer in the cases and on the conditions that follow:

(1) for not more than six consecutive months if the ineligibility results from work income earned by the independent adult or an adult member of the family;

(2) if the ineligibility results from the employment-assistance allowance paid by the Minister or financial assistance paid by a third person and recognized as such by the Minister during the entire period in which the allowance or financial assistance is granted;

(3) for not more than 48 consecutive months in the case of an independent adult or a family composed of only one adult who becomes ineligible under the Social Solidarity Program because of work income, if gross monthly work income or, in the case of self-employment, net income determined in accordance with section 115 does not exceed \$1,500; and

(4) for not more than six consecutive months in the case of an independent adult or a family whose benefits are administered by the Public Curator, except in the case of an independent adult who is sheltered or an adult who is a minor sheltered with her dependent child, and the ineligibility results from excess liquid assets.

The special benefits in sections 88 to 91, the first paragraph of section 93, sections 97 and 98, paragraphs 1, 2 and 4 of section 99 and paragraphs 2 to 6 of section 100 are also granted to an independent adult or a family referred to in subparagraph 3 of the first paragraph.

49. Section 48 applies so long as the adult continues, on an ongoing basis, to meet the eligibility requirements therein and so long as the adult’s resources and, if applicable, the resources of the adult’s family fall short of the amount necessary to meet the adult’s needs according to the calculation in section 55 of the Individual and Family Assistance Act, without taking into account the income giving rise to the ineligibility.

50. An independent adult or a family referred to in subparagraph 1 or 3 of the first paragraph of section 48 may continue to be eligible to receive dental and pharmaceutical services if, after the first month of ineligibility, the work income is replaced by maternity, paternity, parental or adoption benefits under the Act respecting parental insurance (R.S.Q., c. A-29.011) or maternity or parental benefits under the Employment Insurance Act (S.C. 1996, c. 23) and, without reference to the work income and those benefits, the resources of the independent adult or the family fall short of the amount necessary to meet their needs.

Despite the foregoing, subparagraph 3 ceases to apply if, after the first month of ineligibility and for more than three consecutive months, gross monthly work income, or in the case of self-employment, the net income determined in accordance with section 115, and the gross amount of benefits granted under the Employment Insurance Act, including unemployment benefits, or under the Act respecting parental insurance exceed \$1,500.

51. An independent adult or a family referred to in any of subparagraphs 1 to 3 of the first paragraph of section 48 continues to be eligible to receive dental and pharmaceutical services if, during the period provided for therein, work income ceases but the adult or family remains ineligible under a last resort financial assistance program because of an employment-assistance allowance paid or recognized as such by the Minister.

The same applies if eligibility for such an allowance ceases but the adult or family remains ineligible under a last resort financial assistance program because of eligibility for another such allowance or because of work income.

In those cases, the independent adult or the family is eligible to receive dental and pharmaceutical services and, if applicable, the special benefits referred to in the second paragraph of section 48, according to the period and on the conditions set out in the new provision that applies, regardless of the time elapsed.

CHAPTER III SOCIAL ASSISTANCE PROGRAM

DIVISION I ELIGIBILITY RELATED TO LIQUID ASSETS

52. An independent adult or a family who, on the date of application, owns liquid assets in excess of an amount established as follows, is ineligible under the Social Assistance Program:

Number of adults	Number of dependent children	Liquid assets
1	0	\$836
1	1	\$1,195
1	2	\$1,416
2	0	\$1,241
2	1	\$1,480
2	2	\$1,701

The amount is increased by \$221 for the third dependent child and for each additional child.

Liquid assets owned by the family of an ineligible student's spouse may not exceed \$836, which is increased by \$239 for the first dependent child and by \$221 for each additional child.

The amounts are also increased by \$162 for any dependent child receiving a supplement for handicapped children under the Taxation Act.

In the case of an adult who is a minor sheltered with her dependent child, the liquid assets owned on the date of application may not exceed \$836.

53. Despite section 52, an independent adult or a family who is eligible to receive dental and pharmaceutical services pursuant to section 48 or to whom financial assistance is granted under the Youth Alternative Program or a specific program, and who makes an application during that period or in the month following that period is ineligible under the program if the liquid assets owned on the date of application exceed an amount established as follows:

Number of adults	Number of dependent children	Liquid assets
1	0	\$2,500
1	1	\$5,359
1	2	\$5,580
2	0	\$5,000
2	1	\$5,239
2	2	\$5,460

The amount is increased by \$221 for the third dependent child and for each additional child.

Liquid assets owned by the family of an ineligible student's spouse may not exceed \$2,500, which is increased by \$239 for the first dependent child and by \$221 for each additional child.

The amounts are also increased by \$162 for any dependent child receiving a supplement for handicapped children under the Taxation Act.

In the case of an adult who is a minor sheltered with her dependent child, the liquid assets owned on the date of application may not exceed \$2,500.

54. For the purposes of sections 52 and 53, the following amounts are also excluded:

(1) the liquid assets referred to in sections 134 to 136, 138, except paragraph 10, and sections 139 to 141; and

(2) cheques outstanding on the date of application to pay rent, heating, electricity or any other form of energy provided the cheques are cashable in the month of the application.

55. In accordance with the second paragraph of section 48 of the Individual and Family Assistance Act, no benefit may be granted for the month if the application of an independent adult or a family for eligibility under the program is refused pursuant to sections 52 to 54. In such a case, a new application for eligibility under the program may be made only as of the first day of the month following the refusal and those sections apply to the new application.

DIVISION II RECOGNIZED NEEDS

§1. Basic benefits and allowances

56. The basic benefit granted to an independent adult or a family composed of only one adult is \$543 and the basic benefit granted to a family composed of two adults is \$841.

57. Despite section 56, the basic benefit is \$443 or \$741, as the case may be, if the independent adult or an adult member of the family resides in the same dwelling unit, within the meaning of section 43, as his or her father or mother, unless

(1) the father or mother is a recipient under a last resort financial assistance program;

(2) the adult proves that the father or mother is receiving the maximum amount of the monthly guaranteed income supplement under the Old Age Security Act (R.S.C. 1985, c. O-9);

(3) the family is composed of only one adult and at least one dependent child;

(4) the cohabitation is necessary to enable the independent adult or a member of the family to receive constant care from the father or mother because of an illness or disability, or to provide such care to the father or mother; or

(5) the cohabitation is necessary to enable the independent adult or a member of the family to provide constant care because of an illness or disability of the grandfather, grandmother, spouse of the father or mother, brother or sister, or to enable the father or mother to provide such care to that person if the person resides with the father or mother.

58. If an independent adult or a family proves at a later date that the father or mother receives the maximum amount of the monthly guaranteed income supplement, the basic benefit granted for the months in which the supplement is paid may be modified on request to reflect that situation, up to 12 months before the date of the application.

A parent who receives, for the month of June of a year, the maximum amount of the supplement is deemed to receive the maximum amount for the following month.

59. The basic benefit of an ineligible student's spouse is \$149 or \$99 in the cases and on the conditions in section 57.

60. The basic benefit of an independent adult who is sheltered, an adult who is a minor sheltered with her dependent child and an independent adult required to reside in an institution is \$173.

61. The basic benefit of an independent adult who is sheltered, an adult who is a minor sheltered with her dependent child, an ineligible student's spouse or an independent adult required to reside in an institution is adjusted for the month in which a change in circumstances results in an increased benefit amount.

62. For the purposes of subparagraph 3 of the first paragraph of section 53 of the Individual and Family Assistance Act, a temporarily limited capacity allowance is added to the basic benefit if an adult provides childcare to a dependent child of the adult and the child is under five years of age on the previous 30 September or, if the child is five years of age on that date, no full-time kindergarten class is available to the child.

63. For the purposes of subparagraph 4 of the first paragraph of section 53 of the Act, a temporarily limited capacity allowance is added to the basic benefit if an independent adult or an adult member of a family is 55 years of age or older and applies for the allowance.

64. The temporarily limited capacity allowance is \$115 if an independent adult, only one adult member of a family or an ineligible student's spouse has temporarily limited capacities.

The allowance is \$198 if both adult members of a family have temporarily limited capacities, unless one adult may not receive the allowance pursuant to section 54 of the Act or section 65 of this Regulation, in which case the allowance is \$115.

65. The temporarily limited capacity allowance does not apply to an independent adult who is sheltered, an adult who is a minor sheltered with her dependent child, an independent adult required to reside in an institution or an adult referred to in section 47.

§2. Adjustments for adults

66. The basic benefit is adjusted to account for the advance Québec sales tax credit referred to in Division II.16 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act. The adjustment is as follows:

- | | |
|---|----------|
| (1) in the case of an independent adult or a family composed of only one adult: | \$14.08; |
| (2) in the case of a family composed of two adults: | \$28.17. |

The amount in subparagraph 1 of the first paragraph is increased by \$9.59 if the adult does not reside in the same dwelling unit as another independent adult or another family, except in the case of an ineligible student's spouse.

67. The adjustment in section 66 does not apply to an independent adult who is sheltered, an adult who is a minor sheltered with her dependent child or an independent adult required to reside in an institution.

§3. Adjustments for dependent children

68. In the case of a family composed of only one adult and at least one dependent child, the basic benefit is adjusted by \$108.33.

69. The basic benefit is adjusted by \$52.08 for each minor dependent child in the family.

70. The basic benefit is adjusted by the following amounts for each minor dependent child: \$107.75 for the first child, \$90.58 for the second child and \$84.08 for each additional child.

71. A family is deemed to receive the annual amount of the child assistance payment under section 1029.8.61.18 of the Taxation Act and the annual amount of the national child benefit supplement under the Income Tax Act, which are divided by 12. The same

applies to an amount paid to a person who is not a member of the family, and that is used by that person for the needs of a dependent child. In addition, the family is presumed to receive, for the month of July of each year, the maximum amount of the national child benefit supplement.

72. The sum of the adjustments in sections 68 and 69 in the case of a family composed of only one adult or in section 69 in the case of a family composed of two adults is reduced by the amount received by the family as a child assistance payment.

Any amounts received as a national child benefit supplement are subtracted from the adjustments in section 70, unless the dependent child is in a foster family or sheltered by an institution operating a rehabilitation centre.

73. The basic benefit is adjusted by \$8.58 for each minor dependent child 12 years of age or older if the child is the first or second child of the family.

The adjustment does not apply if the dependent child is placed in a foster family or sheltered by an institution operating a rehabilitation centre.

74. The basic benefit of a family composed of only one adult and at least one child of full age attending a secondary-level educational institution in a vocational program or a postsecondary educational institution is adjusted by \$136.67 for the first child and by \$121 for the second child.

If the family is composed of two adults, the basic benefit is adjusted by \$121 for the first child and by \$96 for the second child.

75. For each dependent child of full age attending a secondary-level educational institution in general education, the basic benefit is adjusted by \$264.75 for the first child, by \$247.58 for the second child and by \$247.75 for each additional child.

The amounts are adjusted by \$161.50 if the child is handicapped within the meaning of section 1029.8.61.18 of the Taxation Act.

76. In the case of a family composed of only one adult and at least three dependent children the third of which and, if applicable, each additional child are of full age and attend a secondary-level educational institution in a vocational program or a postsecondary educational institution, the basic benefit is adjusted by \$8.33 for the first child and by \$22.83 for the second child.

77. For the purposes of sections 70 and 73 to 76, the youngest dependent child is the first child.

78. The basic benefit is adjusted by \$100 for each dependent child who resides with his or her family within the meaning of section 20 while attending a secondary-level educational institution in a vocational program or a postsecondary educational institution.

79. The adjustments in sections 69 to 76 and 78 do not apply to a family composed of only one adult or two adults referred to in paragraphs 1 and 2 of section 47. In that case, the basic benefit is adjusted by one of the following amounts:

(1) if the family is composed of only one adult: \$136.67 for the first dependent child and \$121 for the second dependent child; or

(2) if the family is composed of two adults: \$121 for the first dependent child and \$96 for the second dependent child.

80. The adjustments for dependent children do not apply to an adult who is a minor sheltered with her dependent child or to an ineligible student's spouse.

§4. Special benefits

81. The basic benefit is increased by the amount of the special benefits provided for in this subdivision in the cases and on the conditions set out herein.

Despite the foregoing, an independent adult who is sheltered and the family of an adult who is a minor sheltered with her dependent child cease to be eligible for special benefits other than special benefits for dwelling expenses and for funeral expenses as of the month that follows the month of admission to shelter. An independent adult who is sheltered in a facility maintained by an institution operating a hospital centre is eligible for the special benefits other than those in sections 100 and 101.

In addition, an adult member of a family who is sheltered is ineligible for the special benefits as of the third month that follows the month of admission to shelter.

82. A special benefit is granted to an independent adult who is sheltered and to an adult who is a minor sheltered with her dependent child to pay the expenses of the dwelling occupied before admission to shelter that the adult is required to pay, up to \$325 per month for not more than 12 months as of the month that follows the month of admission.

The payment of the special benefit is maintained, on the same conditions, if the independent adult or the family is subsequently taken in charge by an intermediate resource or a foster home.

83. The dental, pharmaceutical and optometric services to which sections 70 and 71.1 of the Health Insurance Act refer and the replacement cost of an acrylic dental prosthesis provided by a dentist or denturologist following a loss or irreparable breakage are granted as special benefits up to one-half of the rate set by the Board.

A special benefit is also granted for the cost of a medical report produced in accordance with subparagraph 1 of the first paragraph of section 53 or section 70 of the Individual and Family Assistance Act.

Special benefits are reimbursed by the Régie de l'assurance maladie du Québec according to its standards and practices.

The requirements of section 84 do not apply in respect of those benefits, except the benefit in subparagraph 2 of the first paragraph of that section that applies for the purchase, replacement or relining of a dental prosthesis.

84. Subject to the particular eligibility requirements set by the Minister or an agreement to otherwise fill the need for which a special benefit is required, in accordance with section 58 of the Act, a special benefit is granted if

(1) the necessity of the need is recognized by the Minister;

(2) prior authorization to fill the need is given by the Minister, except in an emergency or in the case of the special benefit for transportation and living expenses to receive care; and

(3) the costs or fees correspond to the actual cost of the goods acquired or the services provided up to the cost normally required to fill the need without exceeding the amount set for the benefit.

In the absence of prior authorization, the payment application must be filed not later than 30 days after the goods or services have been supplied or as soon as possible if it was impossible for the applicant to act within that period. If the service provided is transportation by ambulance, the period is extended to 90 days.

85. A special benefit is reduced by the amount of any indemnity paid by a third person to cover the same costs.

86. In the case of the special benefits in sections 88 to 91, 97, 98, paragraphs 1 and 2 of section 99 and sections 100 and 103, the necessity of the need must be certified in writing by a physician, a dentist or a person designated by the Minister, as the case may be.

The same applies in the case of a special benefit for the cost of moving required for health reasons.

In the case of a special benefit granted for a pregnancy and a benefit for transportation and living expenses to receive care, the necessity of the need may be certified by a midwife. For a pregnancy, the certificate must indicate the recipient's name and date of birth, the number of weeks of pregnancy and the expected date of delivery.

87. The calculation of consecutive months required for eligibility for a special benefit includes the months during which an independent adult or a family is eligible to receive dental and pharmaceutical services pursuant to section 48, and the six months following the date on which, because of excess liquid assets, a benefit ceased to be paid to an independent adult who is sheltered or an adult who is a minor sheltered with her dependent child.

88. A special benefit is granted for transportation and living expenses to have an adult or a dependent child treated by or on referral of a physician, a dentist or a midwife, up to \$250 for the same trip. That maximum is \$275 for such transportation by ambulance and \$350 for such transportation by air.

Those expenses are paid only up to the amount of expenses normally paid for treatment at the place that offers the same service and is nearest to the residence of the adult or dependent child.

The special benefit is not granted if the trip is covered by the Politique de déplacement des usagers du réseau de la santé et des services sociaux established by the Minister of Health and Social Services.

89. The least expensive means of transportation in the circumstances must be used.

If transportation is by private vehicle, the special benefit is granted for parking costs and the use of the vehicle up to \$0.135 per kilometre travelled. The vehicle expenses are, however, set at \$0.29 per kilometre if the transportation is provided by a volunteer driver under the control of a humanitarian organization recognized by the Ministère de la Santé et des Services sociaux under one of its support programs, provided the total remuneration for such transportation is no more than a contribution to vehicle expenses and the organization keeps a permanent register of all trips made.

90. The need for transportation by taxi must be certified in writing by the physician, dentist or midwife, as the case may be, unless it is the most economical means of transportation. The certificate must establish that the urgency of the situation or the nature of the treatment prevents the use of a more economical means of transportation.

In the case of the transportation of an adult, the special benefit for the cost of each trip is reduced by the lesser of \$20 and 20% of the transportation cost. The maximum reduction is \$20 per month without exceeding \$100 per year per adult, calculated using the date of receipt of the application for payment or, if applicable, the date of prior authorization by the Minister.

91. If an adult is transported by ambulance, the special benefit is granted if the need for the transportation is certified in writing by a physician or, where applicable, a midwife, or by a person designated for that purpose by an institution to which the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons applies that maintains a facility to which the adult or dependent child is taken. The special benefit is also granted if the transportation is authorized by a health communication centre set up pursuant to section 18 of the Act respecting pre-hospital emergency services (R.S.Q., c. S-6.2).

The payment application may be made by the carrier, in which case the application must include proof of transportation indicating whether there was a necessity for transportation by ambulance, unless the transportation was authorized by a health communication centre. The Minister pays the carrier and, if the necessity of the need is not established, the adult must reimburse the Minister.

92. A special benefit is granted for transportation and living expenses incurred by a recipient to return to the recipient's home environment.

The maximum benefit granted is \$250 for every 12-month period.

93. A special benefit is granted for moving expenses if the move is for health reasons and the independent adult or one of the adult members of the family has been a recipient for at least six consecutive months.

A special benefit is also granted for expenses to have a heating system installed or repaired.

All expenses provided for in this section are payable up to a total amount of \$200 for every 12-month period.

94. A maximum special benefit of \$200 is granted for moving expenses if the spouses separate.

The expenses of only one move are paid for any 12-month period, unless the move is court-ordered.

95. A maximum special benefit of \$250 for any one case is granted for transportation and living expenses incurred by an adult who travels more than 50 kilometres from the adult's place of residence in connection with the enforcement of a claim for support.

If transportation is by private vehicle, the special benefit is granted for parking fees and the use of the vehicle up to a maximum of \$0.135 per kilometre travelled.

96. A special benefit is granted, in accordance with Schedule I, to cover the cost of glasses or lenses for an adult or a dependent child if the independent adult or one of the adult members of the family has been a recipient for at least six consecutive months.

97. A special benefit is granted, in accordance with Schedule II, to cover the cost of orthopedic shoes or plantar orthoses.

98. A special benefit is granted, in accordance with Schedule III, to cover the cost of prostheses, orthoses and accessories.

99. A special benefit is granted to cover the cost of

(1) supplies required in the first month for a temporary urostomy, ileostomy or colostomy, up to \$100;

(2) installing a home hemodialysis machine, up to \$300;

(3) an intra-uterine device, up to \$25; and

(4) replacement batteries for a hearing aid whose cost is covered by the Régie de l'assurance maladie du Québec, in the lump-sum amount of \$5 per hearing aid per month.

100. A continuous special benefit is granted in the following cases as of the month in which the Minister receives the required certificate:

(1) \$55 per month for a pregnancy;

(2) \$100 per month for hemodialysis, if the family is composed of only one adult member;

(3) \$100 per month for paraplegia, if the benefit was granted for the month of August 1992 and has been granted without interruption since then;

(4) \$20 per month for diabetes;

(5) \$55 per month for supplies required for a temporary urostomy, ileostomy or colostomy, as of the month that follows the first month in which the supplies are required; and

(6) to cover the cost of oxygen for medical purposes.

101. A continuous special benefit of \$55 per month is granted for the breastfeeding of a dependent child under 12 months of age, as of the month in which the Minister receives a written declaration signed by the mother indicating the expected period of breastfeeding.

102. A special benefit is granted to cover the cost of liquid concentrate infant formulas, soy-based liquid concentrate formulas or lactose-free liquid concentrate formulas for a dependent child under nine months of age.

103. A special benefit is granted to cover the cost of soy-based liquid concentrate formulas or lactose-free liquid concentrate formulas for a dependent child between nine and twelve months of age as soon as the Minister receives a certificate signed by a physician.

104. The special benefit provided for in section 102 is granted for a maximum of 35 cases of twelve 385 ml cans over the period covered. The special benefit provided for in section 103 is granted for a maximum of nine cases of twelve 385 ml cans over the period covered.

The benefits are established as follows:

(1) if the dependent child is under seven months of age: \$32 per purchase of two cases of twelve 385 ml cans, up to 48 cans per month;

(2) if the dependent child is between seven and twelve months of age: \$16 per purchase of one case of twelve 385 ml cans, up to 36 cans per month.

105. The special benefits in sections 102 and 103 are reimbursed to the pharmacist who is a member of the Ordre des pharmaciens du Québec and is covered by an agreement between the Minister and the person mandated by the Minister for the administration of benefit payments.

The benefits are granted for the purchase from the pharmacist of cases of formula covered by an agreement between the Minister and the formula suppliers.

106. The special benefit in section 101 and the special benefit in section 102 or 103 may not be granted concurrently, except for one single month to allow for the diet of the dependent child to be modified.

107. A special benefit is granted to a family in the month of August of each year for the following amounts and in the following cases:

(1) \$76 if a dependent child attends an elementary-level educational institution, a kindergarten class or a pre-kindergarten class; and

(2) \$123 if a dependent child attends a secondary-level educational institution, other than in a vocational program on a full-time basis.

108. A special monthly benefit of \$100 is granted to an adult who takes refuge in a shelter for victims of violence.

109. A special benefit is granted to compensate the following losses suffered by an independent adult or a family in a fire or natural catastrophe such as a landslide or flood:

(1) the cost of repairing or replacing movables and essential household effects, in accordance with customary insurance practices, up to

(a) \$1,000 plus \$500 per person up to a maximum of \$4,000 for the family; and

(b) \$1,500 for an independent adult; and

(2) the living expenses of the independent adult or the family during the restoration or relocation, up to 10% of the special benefit the adult or family may receive under subparagraph 1.

The special benefit is not granted if the losses result from a disaster covered by a disaster financial assistance program established under section 100 or 101 of the Civil Protection Act (R.S.Q., c. S-2.3).

110. A special benefit is granted for the funeral expenses of an adult or a dependent child, up to a maximum of \$2,500 per deceased person.

The benefit is, however, reduced by the amount of the benefits payable on the death and the sums paid on the date of death under a prearranged funeral services contract or a prepurchased sepulture contract and, in the case of an independent adult,

(1) by the amount of the adult's total liquid assets; and

(2) by the value of all the adult's property, minus the debts of the adult at the time of death.

The special benefit is not granted in the case of an unclaimed body within the meaning of section 57 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., c. L-0.2), unless release of the body to the foster family or foster home to which the person had been entrusted, to a minister of religion or to the Public Curator has been authorized under that Act.

DIVISION III RESOURCES

§1. *Income, earnings and benefits*

111. The following income, earnings and benefits are excluded for the purpose of calculating the benefit:

(1) the child assistance payment amount established under section 71, except for the purposes of the first paragraph of section 72;

(2) amounts granted as child tax benefits under subdivision *a.1* of Division E of Part I of the Income Tax Act (R.S.C. 1985, c. 1, 5th Supp.), except amounts received as a national child benefit supplement established under section 71 that are considered for the purposes of the second paragraph of section 72;

(3) sums received by a foster home to take in charge an adult or by a foster family to take in charge a child and sums received by a foster family under the Regulation respecting financial assistance to facilitate the adoption of a child, made by Order in Council 1178-95 dated 30 August 1995;

(4) amounts earned by a dependent child incidentally to the child's studies and the loans and bursaries and sums withdrawn from a registered education savings plan used by the child as a student;

(5) support paid to an independent adult by his or her father or mother, up to the maximum amount of the parental contribution that the adult is deemed to receive under section 154 without taking into account, if applicable, the deduction under paragraph 1 of section 112;

(6) the premium paid by an institution operating a rehabilitation centre to a recipient to facilitate attendance or the premium paid by an institution operating a residential and long-term care centre or a hospital centre to a recipient for a therapy program;

(7) income from a succession, a trust or a gift devolved to a dependent child before the income can be used for the child's maintenance;

(8) income that ceases during the month in which an applicant who is not already receiving a benefit files an application for the purpose of establishing the benefit for the following month;

(9) income earned or received for at least the previous three months or, in the case of a self-employed worker, income attributed for that period, insofar as the income ceases; the exclusion does not apply in respect of the child assistance payment or the national child benefit supplement;

(10) interest income, unless it is awarded on the realization of a right of a person referred to in section 90 of the Individual and Family Assistance Act, in which case the interest is apportioned equally over each month during which the person waited for the right to be realized;

(11) dividend income, unless it is paid as remuneration;

(12) sums received as tax credits, including the supplement for handicapped children and the work premium;

(13) allowances received under section 3.1 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8);

(14) sums paid by the Minister as additional expenses related to participation in an employment-assistance or a social assistance and support measure or program and sums paid by a third person and recognized as such by the Minister;

(15) sums paid by the Minister as additional expenses related to participation in the Youth Alternative Program or a specific program;

(16) employment-assistance allowances paid by the Minister and employment-assistance allowances and support allowances paid by a third person and recognized as such by the Minister, up to \$130 per month per person;

(17) amounts received under a program of the Minister of Health and Social Services for home care and assistance services;

(18) amounts received by a person responsible for a foster home under a service contract with the Minister of Public Security to facilitate the social reinsertion of the persons required to reside there;

(19) income from room or board received by an independent adult or a family who resides in the same dwelling unit as another adult or another family;

(20) income earned as an election officer in a poll or as a candidate's mandatary if the mandatary is designated by power of attorney;

(21) periodic payments of support received by a family composed of at least one dependent child, up to \$100 per month;

(22) the part of the periodic payments of support exceeding \$305 per month if the payments are made as payment for a residence in which the creditor resides and of which the debtor of support is the owner;

(23) the part of the periodic payments made by a third person, up to a maximum of \$305 per month, to allow an independent adult or a family to reside in a facility maintained by a private institution not under agreement that operates a residential and long-term care centre or a private residence for retirees or persons with a slight loss of autonomy;

(24) the part of the hypothecary debt payments for the residence that exceeds \$305 per month if the payments are made under a disability insurance contract;

(25) the payment of a debt, other than the debt referred to in paragraph 24, paid by a third person under a disability insurance contract;

(26) supplementary family income paid to a family composed of more than two dependent children under the Programme régional d'accueil et d'intégration des demandeurs d'asile; and

(27) amounts granted by the federal government as Universal Child Care Benefits.

112. In the case of an adult referred to in section 57, the following resources are reduced for the purpose of calculating the benefit, up to a total amount of \$100, or \$50 in the case of an ineligible student's spouse, in the following order:

(1) the amount of the parental contribution that the adult is deemed to receive:

(2) support paid to the adult by his or her father or mother or, if applicable, the amount by which the support exceeds the amount that is excluded therefrom pursuant to paragraph 5 of section 111; and

(3) income from room or board from his or her father or mother.

113. Work income, income from benefits under the Employment Insurance Act or the Act respecting parental insurance and income from employment-assistance allowances granted by the Minister or recognized as such or as support allowances are calculated after deducting from the income, or in the case of self-employment, from the net income,

(1) the amount to be deducted or withheld under section 1015 of the Taxation Act or the amount of the provisional account paid under section 1025 or 1026 of that Act for the preceding period divided by three, and the amount to be deducted, withheld or paid under the Income Tax Act;

(2) the employee premium provided for in the Employment Insurance Act;

(3) the employee premium provided for in the Act respecting parental insurance;

(4) the contribution payable by a worker under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) or pursuant to the worker's participation in a mandatory pension plan; and

(5) union dues.

114. The following amounts are excluded from work income:

(1) \$200 in the case of an independent adult or a family composed of only one adult; and

(2) \$300 in the case of a family composed of two adults.

For the purposes of this section, any amount granted as a maternity, paternity, parental or adoption benefit under the Act respecting parental insurance or as a maternity or parental benefit under the Employment Insurance Act is work income.

115. Net income from self-employment is determined according to the accrual accounting method in accordance with generally recognized accounting principles.

For the purpose of calculating the income, the depreciation of property used by the enterprise is excluded and the repayment of principal is not an operating expense.

116. For seasonal self-employment, the amount by which net income from such employment and other sources exceeds an amount established as follows is held to be work income for the period of inactivity:

Number of adults	Number of dependent children	Amount
1	0	\$836
1	1	\$1,195
1	2	\$1,416
2	0	\$1,241
2	1	\$1,480
2	2	\$1,701

The amount is increased by \$221 for the third dependent child and for each additional child.

In the case of the family of an ineligible student's spouse, the amount is set at \$836, which is increased by \$239 for the first dependent child and by \$221 for each additional child.

The amounts are also increased by \$162 for any dependent child receiving a supplement for handicapped children under the Taxation Act.

In the case of an adult who is a minor sheltered with her dependent child, the amount is set at \$836.

117. For the purposes of section 116,

(1) the period of activity begins in the month in which the work begins and ends in the month in which the work ceases; and

(2) the period of inactivity begins in the month following the month in which the work ceases and ends 12 months after the beginning of the last period of activity or as soon as the work resumes, whichever is earlier.

118. Income from the office of mayor, municipal councillor or school commissioner is apportioned in equal parts over the period in which it was earned.

The expense allowances incidental to those offices are excluded from the income to the extent that they do not exceed one-half of the remuneration paid.

119. Income from childcare at the domicile of an independent adult or a family is calculated to the extent of 40%.

120. Income from room or board is calculated to the extent of 40%, with a minimum of \$85 for one person and \$50 for each additional person in the person's family.

121. Periodic payments received as support arrears are calculated to be received in the following order:

(1) over any period after 30 November 2005; and

(2) over any period after 30 April 1998.

That calculation of support arrears may not operate to interrupt the number of consecutive months of eligibility under a last resort financial assistance program.

122. Income from an immovable is calculated in accordance with Title III of Book III of Part I of the Taxation Act, before any deduction for depreciation under section 130 of that Act and before the deduction under section 130.1 of that Act.

123. The period referred to in subparagraph *b* of paragraph 2 of section 55 of the Individual and Family Assistance Act begins on the date on which the work ceases, and it ends,

(1) in the case of an initial application for benefits, at the end of the fourth week following the date on which the benefit period began;

(2) in the case of a subsequent application for benefits, at the end of the third week following the date on which the application took effect;

(3) in the case of a decision not made by the Canada Employment Insurance Commission, at the end of the fourth week following the date on which the application for benefits was made;

(4) in the case of a predated application for benefits, at the end of the second week following the date on which a request to that effect is accepted; and

(5) in the case of an interruption in the regular benefit payment, at the end of the week in which the benefit payment was due.

In the case of an adult who is entitled to benefits under the Act respecting parental insurance, the period ends at the end of the fourth week following the date on which the claim for benefits was filed.

124. Weekly income, earnings and benefits are calculated on a monthly basis by multiplying them by 4.333 if they apply to the entire month.

125. If the income that has been earned or received for at least three months, or in the case of a self-employed worker, the income attributed for that period ceases, the benefit is recalculated for the month on the basis of the income for the current month if the income is less than the income for the preceding month.

126. If an adult or a dependent child earns income that affects the benefit and the Minister is so informed too late to adjust the benefit for the following month, the income affects the benefit for the subsequent month.

127. Paragraph 9 of section 111 and section 125 apply insofar as the income has been declared with diligence to the Minister.

§2. *Liquid assets*

128. Liquid assets include everything that an independent adult or a family owns in cash or in an equivalent form and the value of assets that may be converted into cash in the short term such as

(1) sums, whether demand deposits or term deposits, that a financial institution holds on deposit for the adult or the family or sums it holds on behalf of the adult or family if they have ready access to the sums;

(2) securities the adult or the family owns if the securities are currently traded on the market;

(3) debts for which the adult or family may obtain immediate repayment; and

(4) any assets negotiable at sight.

Liquid assets include the value of a term deposit made on behalf of an independent adult or a member of a family, even if the adult or family member does not have ready access to the funds, if the deposit is made while the adult or family is a recipient under a last resort financial assistance program or to qualify the adult or the family under such a program.

129. For the purposes of section 128, liquid assets owned by an independent adult or a family include any amount excluded from income, earnings or benefits to establish a benefit.

130. Despite section 128, an adult referred to in paragraph *a*, *b* or *c* of section 21 of the Regulation respecting the selection of foreign nationals, made by Order in Council 409-82 dated 24 February 1982, whose certificate was issued in connection with the processing of a permanent resident application outside Canada, is deemed to own, for a period of 90 days from the day of the adult's arrival in Canada, an amount of liquid assets that may not be less than the amount prescribed in accordance with the financial self-sufficiency factor in Schedule A to that Regulation and that is applicable on the date the contract relating to financial self-sufficiency is signed.

An adult referred to in subsection 75(1) of the Immigration and Refugee Protection Regulations, other than a skilled worker referred to in subsection 76(1)(b)(ii), made pursuant to subsections 12(2) and 14(2) of the Immigration and Refugee Protection Act (S.C. 2001, c. 27), is deemed to own, for a period of 90 days from the day of the adult's arrival in Canada, an amount of liquid assets that may not be less than the amount prescribed in accordance with the first paragraph and that is applicable on the visa issue date.

The liquid asset exclusions in sections 131 to 141, 163 and 164 do not apply to the amount of liquid assets that an adult is deemed to own pursuant to this section.

131. For the purpose of calculating a benefit, liquid assets are excluded up to the following amounts: \$1,500 in the case of an independent adult, the family of an ineligible student's spouse or an adult who is a minor sheltered with her dependent child, and \$2,500 in the case of another family.

132. The amount in section 131 is increased for any minor dependent child, except in the case of the liquid assets of an adult who is a minor sheltered with her dependent child or of the family of an ineligible student's spouse, by an amount established as follows:

Number of adults	Number of dependent children	Amount
1	1	\$359
1	2	\$580
2	1	\$239
2	2	\$460

The amount is increased by \$221 for the third minor dependent child and for each additional child.

In the case of a dependent child of an ineligible student's spouse, the amount in section 131 is increased by \$239 for the first minor dependent child and by \$221 for each additional child.

The amount in section 131 is also increased by \$162 for any dependent child receiving a supplement for handicapped children under the Taxation Act.

133. The amount in section 131 is increased by \$147 for any dependent child of full age attending a secondary-level educational institution in general education.

134. The amount in section 131 is increased for a period of 12 consecutive months by an amount equal to the amount of a retroactive adjustment of benefits paid

following an administrative error, a review decision or a decision of the Administrative Tribunal of Québec, or paid pursuant to section 176.

The amount in section 131 is also increased for the same period by an amount equal to the indemnity paid by the Minister following a decision of the Administrative Tribunal of Québec pursuant to section 114.1 of the Act respecting administrative justice and by the amount paid to a debtor following a discharge granted pursuant to section 104 of the Individual and Family Assistance Act.

The increase applies from the date of payment and only in respect of the adult or family concerned.

135. The amount in section 131 is increased by an amount equal to the total value of the sums paid by the Government of Canada or the Government of Québec under

(1) the Japanese Canadian Redress Agreement between the Government of Canada and the National Association of Japanese Canadians;

(2) a declaration made to the House of Commons on 14 December 1989 by the Minister of Health and Welfare Canada regarding persons infected by the human immunodeficiency virus following a blood transfusion or use of blood-derived products;

(3) a humanitarian fund created by the Government of Québec for hemophiliacs and other persons infected by the human immunodeficiency virus following a blood transfusion, unless the amounts are paid as compensation for loss of income or loss of support;

(4) the extraordinary assistance plan created by the Government of Canada for victims of thalidomide;

(5) a Government of Canada program respecting *ex gratia* payments to persons depatterned at the Allan Memorial Institute between 1950 and 1965;

(6) a financial assistance program created by the Government of Québec for persons infected by the hepatitis C virus following a blood transfusion or use of blood products in Québec before 1 January 1986 or between 2 July 1990 and 28 September 1998;

(7) the 1986-1990 Hepatitis C Settlement Agreement dated 15 June 1999, unless the sums are paid to compensate loss of income or loss of support pursuant to paragraphs 4.02 and 6.01 of the compensation plans referred to in the Agreement;

(8) the Programme national de réconciliation avec les orphelins et orphelines de Duplessis created by the Government of Québec;

(9) judgments rendered by the Superior Court on 6 July 2001 confirming the agreements between the Société immobilière du Québec and the Attorney General of Québec following class actions filed by persons who suffered damage because of the Kénogami reservoir flood in July 1996; or

(10) the financial relocation assistance program created by the Government of Québec for the residents of Aylmer Sound.

136. The amount in section 131 is increased by an amount equal to the total value of the sums paid to a person pursuant to

(1) the Supreme Court of Canada decision in *Public Curator of Québec v. Syndicat national des employés de l'hôpital St-Ferdinand*, delivered on 3 October 1996;

(2) an agreement following a breast implant class action;

(3) recommendations in the report drawn up following the mandate given by the Government of Québec under Order in Council 931-98 dated 8 July 1998, amended by Order in Council 1281-98 dated 30 September 1998, regarding damage suffered by certain persons represented by the Public Curator;

(4) the Court of Appeal of Québec judgment in *Centre d'accueil Pavillon Saint-Théophile Inc. v. the Commission des droits de la personne*, rendered on 21 September 1998;

(5) the Nova Scotia Memorandum of Understanding regarding Compensation for Survivors of Institutional Abuse regarding damage suffered by certain residents of provincially-operated institutions;

(6) the Superior Court judgment rendered on 14 September 2001 confirming the agreement with the Canadian Red Cross Society following the class action brought by persons who received a blood transfusion contaminated by the hepatitis C virus and who were infected by the virus before 1 January 1986 or between 1 July 1990 and 28 September 1998; or

(7) the Superior Court judgment rendered on 25 April 2003 approving the agreement with Centerpulse Orthopedics Inc. and Centerpulse Ltd following the class action brought by persons who received a defective hip prosthesis.

137. The increases provided for in sections 135 and 136 apply from the date of the payment of the amounts and only in respect of the person entitled thereto.

138. For the purpose of calculating a benefit, the following liquid assets are excluded:

(1) liquid assets that a dependent child accumulates through personal work;

(2) liquid assets owned by a dependent child if they are managed by a tutor, a liquidator of a succession or a trustee before the rendering of accounts and were placed in a term deposit that does not allow ready access to the funds;

(3) sums from a registered education savings plan and sums from loans and bursaries that an adult or dependent child receives as a student if used for the purpose for which they were obtained within six months of their withdrawal or receipt, as the case may be;

(4) the cash surrender value of a life insurance policy;

(5) sums paid by the Minister as additional expenses related to participation in an employment-assistance or social assistance and support measure or program and sums paid by a third person and recognized as such by the Minister;

(6) sums paid by the Minister as additional expenses related to participation in the Youth Alternative Program or a specific program;

(7) sums from a succession up to the amount of the debts and charges for which the adult or dependent child is liable;

(8) sums withdrawn from a registered retirement savings plan to be used under the Home Buyers' Plan provided the sums are immediately deposited in a separate account in a financial institution and used for the purposes of the plan before 1 October of the year following the withdrawal;

(9) sums paid by an institution or an organization to a person discharged from a psychiatric hospital centre to allow the person to purchase certain items of everyday use;

(10) sums from income, earnings or benefits for the month in which the sums are taken into account to reduce the benefit; and

(11) for the month in which they are received, sums paid to compensate for physical or mental impairment.

139. For the purpose of calculating a benefit, the amount of a loan obtained for the consolidation of debts or the purchase of property or goods described in paragraphs 1 to 3, 7 and 8 of section 146 is excluded if

(1) the amount is immediately deposited in a separate account in a financial institution; and

(2) the amount is used within 30 days of receipt for the purpose for which it was obtained.

140. The amount relating to the work premium paid in quarterly instalments under section 1029.8.116.9 of the Taxation Act is excluded as liquid assets in its entirety for the month in which it is paid, to the extent of two-thirds of the amount for the following month and one-third of the amount for the last month. The amount relating to the child assistance payment paid under section 1029.8.61.28 of that Act that includes more than one month of eligibility is excluded in its entirety for the month in which it is paid and, as the case may be, to the extent of two-thirds of the amount for the following month and one-third of the amount for the last month, or to the extent of 50% of the amount for the month following the month in which it is paid.

In addition, the amount of arrears of such a payment or premium is excluded for the month in which it is paid until the last day of the following month.

141. The following liquid assets are excluded up to a total value of \$60,000:

(1) the value of the sums or pension credits referred to in paragraph 4 of section 146 which, under the pension plan or instrument concerned or under the law, may be returned to the participant;

(2) the principal of a sum or pension credit referred to in paragraph 1, if it is used within 30 days after it is received for the purposes of a contribution to another pension plan or retirement savings instrument;

(3) the principal of a grant or loan to repair a residence if it is used within six months after it is received for the purpose for which it was obtained;

(4) the principal of a grant or loan to start an enterprise or create self-employment if it is used within six months after it is received for the purpose for which it was obtained;

(5) sums accumulated in an individual savings plan or an institutional savings plan recognized by the Minister, up to a total amount of \$5,000 per adult; and

(6) the value of the sums accumulated in a registered education savings plan.

142. The exclusion in paragraph 5 of section 141 applies if the sums accumulated are to allow an adult or a member of the adult's family

(1) to undergo training;

(2) to purchase tools or equipment necessary for gainful employment;

(3) to create self-employment or start an enterprise;

(4) to purchase or repair a residence; or

(5) to purchase an automobile.

In the case of an individual savings plan, the savings must begin during a month in which the adult is a recipient under a last resort financial assistance program or is eligible to receive dental and pharmaceutical services pursuant to section 48. In addition, the adult must inform the Minister in writing of the adult's savings plan before depositing the sums or at the latest by the last day of the month following the date of the deposit.

143. The exclusions in paragraphs 2 to 5 of section 141 apply only if the amounts referred to are immediately deposited in a separate account in a financial institution. In the case described in paragraph 5, the financial institution must have an establishment in Canada.

144. Every part of the capital referred to in paragraphs 3 and 8 of section 138, section 139 and paragraphs 2 to 5 of section 141 constitutes liquid assets for the entire month in which it is used contrary to those provisions or is not deposited as required by the applicable provisions.

The first paragraph does not apply if, during the same month, the sums in paragraph 3 of section 138 and paragraphs 2 and 5 of section 141 are transferred to a plan referred to in paragraphs 1, 5 and 6 of that latter section on the conditions set out therein.

§3. Property

145. The value of property is equal to the property's market value.

The net value of property is equal to its value less the value of any real rights encumbering the property;

The value of a residence is the value of the house and the land on which it is built.

The value of a farm is the value of the land, buildings, livestock and implements.

Despite the first paragraph, the value of an immovable entered on the assessment roll of a municipality is equal to the value indicated on the roll, multiplied by the comparative factor of the roll, in accordance with the Act respecting municipal taxation (R.S.Q., c. F-2.1).

146. The following property is excluded for the purpose of calculating a benefit:

- (1) the total value of movables and household effects;
- (2) the value of an automobile, up to \$10,000;
- (3) books, instruments and tools necessary for gainful employment or for a trade or craft;
- (4) the value of pension credits accumulated through membership in a pension plan other than the plan established by the Act respecting the Québec Pension Plan or in an equivalent plan within the meaning of that Act, and the sums accrued with interest as a result of the recipient's participation in another retirement savings instrument that, under the plan, the savings instrument or the law, cannot be returned to the recipient before retirement age;
- (5) property owned by a dependent child if it is managed by a tutor, a liquidator of a succession or a trustee before the rendering of accounts;
- (6) property acquired by a dependent child through personal work;
- (7) equipment adapted to the needs of an adult or a dependent child who has functional limitations, including a retrofit vehicle not used for commercial purposes; and
- (8) the value of a prearranged funeral services contract and a prepurchased sepulture contract if those contracts are in force.

147. The value of all the following property is excluded for the purpose of calculating a benefit, up to a total net value of \$90,000:

- (1) the value of a residence or a working farm;
- (2) the value of a residence or farm belonging to an independent adult who no longer resides in the residence or operates the farm since being sheltered or taken in charge by an intermediate resource or a foster home, for a period of not more than two years after the sheltering or taking in charge;

(3) the value of a residence belonging to an independent adult or a family who no longer resides in the residence for health reasons, for a period of not more than two years after the move;

(4) the value of the residence belonging to an adult who no longer resides in the residence because of a separation, for a period of not more than two years after the date on which family mediation or a judicial proceeding has been commenced to the date on which the court decides the right of ownership or, where applicable, the date on which the court confirms or approves an agreement between the parties;

(5) the value of property used for self-employment or in the operation of a farm;

(6) the principal from an indemnity paid as compensation for immovable property following expropriation, a fire or other disaster, an act of war, an attack or an indictable offence if used within two years of receipt to repair or replace the immovable property or in the operation of an enterprise;

(7) the principal from an indemnity paid as compensation for movable property following a fire or other disaster, an act of war, an attack or an indictable offence, if used within 90 days of receipt; and

(8) the principal from the sale of a residence if used to purchase a new residence or have a residence built within six months of the sale.

148. The exclusions in paragraphs 6 to 8 of section 147 apply only if the amounts are immediately deposited in a separate account in a financial institution or, in the case referred to in paragraph 6, are invested by a trustee as authorized under the Civil Code.

Every part of the principal referred to in those paragraphs constitutes liquid assets for the entire month in which it is used contrary to those provisions or for the entire month in which it is not deposited or invested in accordance with the first paragraph.

149. Property acquired using sums referred to in sections 135 and 136 are excluded for the purpose of calculating a benefit.

The exclusion applies from the date the property is acquired and only in respect of the person entitled to it.

150. The total property value consists of the value of all property not excluded for the purpose of calculating a benefit.

If the value of property is excluded for the purposes of only part of the calculation, the remainder of the value is included in the total value.

151. For the purpose of calculating a benefit, the percentage applicable to the total property value is 2%. Except for the property referred to in section 147, that percentage applies to the total property value exceeding \$1,500 in the case of an independent adult or an adult who is a minor sheltered with her dependent child, or \$2,500 in the case of another family.

§4. Parental contribution

152. The parental contribution that an adult is deemed to receive under subparagraph *f* of paragraph 2 of section 55 of the Individual and Family Assistance Act is determined for a 12-month reference period, from 1 July of each year, taking into account the total incomes of the father and mother for the taxation year preceding the reference period or their total incomes for the current taxation year if the incomes are at least 10% lower.

The incomes of the adult's father and mother are determined with reference to their total income appearing in their income tax return filed in accordance with the Taxation Act (R.S.Q., c. I-3) and confirmed by the assessment notice of the Minister of Revenue, and their total gross income declared in an income tax return filed in another province or territory or in another country.

153. The net incomes of the father and mother are determined with reference to the incomes obtained pursuant to section 152 from which the following amounts are deducted:

- | | |
|---|--------------------------------|
| (1) if the parents cohabit: | \$17,100 for both; |
| (2) if the parents do not cohabit: | \$12,210 for each parent; |
| (3) if one parent is untraceable or deceased: | \$12,210 for the other parent. |

154. For the purpose of calculating the parental contribution, the incomes of the father and mother are determined to be 40% of their net incomes obtained pursuant to section 153 and the parental contribution is determined by dividing that amount by 12. The amount obtained is, where applicable, divided by the number of adults deemed to receive a parental contribution from either parent.

CHAPTER IV SOCIAL SOLIDARITY PROGRAM

155. Except for the provisions in Division I, subdivision 1 of Division II and subdivision 4 of Division III of Chapter III of Title IV, and unless otherwise provided in this Chapter, the provisions of this Regulation relating to the Social Assistance Program apply to the Social Solidarity Program, with the necessary modifications.

156. The social solidarity allowance granted to an independent adult or a family composed of only one adult is \$812.

The social solidarity allowance for a family composed of two adults is \$1,213.

157. The social solidarity allowance for an ineligible student's spouse is \$411.

The social solidarity allowance for an independent adult who is sheltered, an adult who is a minor sheltered with her dependent child and an independent adult required to reside in an institution is \$173.

158. Despite the second paragraph of section 74, the social solidarity allowance for a family composed of two adults and at least one dependent child of full age attending a secondary-level educational institution in a vocational program or a postsecondary educational institution is adjusted by \$130 for the first child and by \$102 for the second child.

159. Prior authorization to obtain a special benefit is not required unless the Minister has set particular eligibility requirements pursuant to section 58 of the Individual and Family Assistance Act or in the case of special benefits for the purchase, replacement or relining of a dental prosthesis, special benefits to cover the cost of glasses or lenses or the cost of moving for health reasons.

160. The second paragraph of section 90 relating to the deduction of an amount for the cost of transportation of an adult by taxi does not apply to an independent adult or a family eligible under the program.

161. The consecutive period of eligibility under a last resort financial assistance program required for special benefits to cover the cost of glasses or lenses or the cost of moving for health reasons does not apply to an independent adult or a family eligible under the program.

162. The amount of the exclusion from work income or benefits granted as maternity, paternity, parental or adoption benefits under the Act respecting parental insurance or as maternity or parental benefits under the Employment Insurance Act is \$100 for an independent adult or a family.

163. For the purposes of the provisions relating to liquid assets, the amounts in section 131 are replaced by an amount of \$2,500 in the case of an independent adult, the family of an ineligible student's spouse or an adult who is a minor sheltered with her dependent child, and an amount of \$5,000 in the case of another family.

164. Despite sections 141 and 147, the following liquid assets and property values are excluded, up to a total amount of \$130,000, increased by \$1,000 for each full year of occupation if the independent adult or family owns the residence:

(1) liquid assets consisting of the principal or sums referred to in section 141;

(2) the property listed in section 147;

(3) any other immovable property; and

(4) the portion of the property value and liquid assets received by the independent adult or a member of the family from a succession that exceeds the debts and charges for which the independent adult or member of the family is liable.

The exclusion in subparagraph 4 of the first paragraph applies if the property or liquid assets are received during a month in which the independent adult or the family is a recipient under a last resort financial assistance program, otherwise than pursuant to section 49 of the Act, or is eligible to receive the special benefit for dental and pharmaceutical services pursuant to section 48. That exclusion continues to apply the first time the property is converted into liquid assets or liquid assets are converted into property.

165. The percentage applicable to the total value of the property and liquid assets referred to in section 164 that exceeds the total value calculated pursuant to section 164 is 2% and the exclusions in sections 151 and 163 do not apply.

CHAPTER V ESTABLISHMENT AND PAYMENT OF BENEFITS

DIVISION I MONTH OF APPLICATION

166. For the month of application, the basic benefit, social solidarity allowance, adjustments for dependent children and temporarily limited capacity allowances are established in the proportion that the number of days remaining in the month on the date of application is of the number of days in that month.

The income received or to be received during the month of application, without reference to the period for which it is payable, is considered for the purpose of calculating the benefit for that month. In the case of benefits to be received under the Employment Insurance Act or the Act respecting parental insurance, subparagraph *b* of paragraph 2 of section 55 of the Individual and Family Assistance Act also applies for the month of application.

167. In accordance with subparagraph *a* of paragraph 2 of section 55 of the Individual and Family Assistance Act, income earned or received during the month of application is taken into consideration to establish the benefit for the following month, regardless of whether the income is included in establishing the assistance granted for the month of application, unless the income is otherwise excluded under this Regulation.

168. Despite the second paragraph of section 166, amounts received as a child assistance payment under the Taxation Act and amounts received as a national child benefit supplement under the Income Tax Act are considered only if they are payable for that month.

169. The first paragraph of section 166 does not apply if the application is made during a period in which the independent adult or family is eligible to receive dental and pharmaceutical services pursuant to section 48 or participates in the Youth Alternative Program or a specific program, or during the month following that period. Financial assistance granted under those programs, the employment-assistance allowances paid or recognized as such by the Minister and, if applicable, work income are considered only if they are received and payable for the month of application.

The same applies to an adult who is sheltered and an adult who is a minor sheltered with her dependent child if the application is made during the six months following the date on which a benefit has ceased to be granted because of excess liquid assets.

170. Liquid assets owned on the date of application are considered for the purpose of calculating the benefit for that month.

The amount on the date of application of outstanding cheques and preauthorized withdrawals to pay rent, heating, electricity or any other form of energy is subtracted from the liquid assets if such amounts are cashable in the month of application and were deposited in a financial institution.

171. The liquid asset exclusions in sections 134 to 140 apply for the month of application.

If the application is made by a family that has at least one minor dependent child, except in the case of an adult who is a minor sheltered with her dependent child, the amounts in section 132 are also excluded.

172. Under the Social Assistance Program, the liquid asset exclusion in section 141 also applies for the month of application. Despite the foregoing, paragraph 5 of section 141 applies if the conditions in sections 142 and 143 are met and, with respect to an individual savings plan, if the independent adult or the family was a recipient under a last resort financial assistance program or was eligible to receive dental and pharmaceutical services pursuant to section 48 during the five years preceding the date of application.

In addition, the liquid asset exclusions in sections 131 and 133 also apply in the case of

(1) an independent adult or a family eligible to receive dental and pharmaceutical services pursuant to section 48, and the application is made during that period or during the month following that period;

(2) an adult who participates in the Youth Alternative Program or a specific program, and the application is made during that period or during the month following that period; and

(3) an independent adult who is sheltered or an adult who is a minor sheltered with her dependent child, and the application is made during the six months following the date on which a benefit ceased to be paid because of excess liquid assets.

173. Under the Social Solidarity Program, the exclusions in sections 133, 163 and 164 also apply for the month of application.

Despite the foregoing, for the purposes of subparagraph 1 of the first paragraph of section 164, if the independent adult or the family owns sums referred to in paragraph 5 of section 141, the conditions in the first paragraph of section 172 must be met.

In addition, subparagraph 4 of the first paragraph of section 164 applies only if the independent adult or the family was a recipient under a last resort financial assistance program or was eligible to receive dental and pharmaceutical services pursuant to section 48 during the six months preceding the date of application.

DIVISION II MISCELLANEOUS

174. For the purposes of section 64 of the Individual and Family Assistance Act, a creditor of support must inform the Minister of any agreement or judicial proceeding by sending a copy thereof within the specified time to the following address:

Ministère de l'Emploi et de la Solidarité sociale
Centre de recouvrement
Service des pensions alimentaires
425, rue du Pont
2^e étage
Québec (Québec)
G1K 9K5

175. In the case of a contravention of section 65 of the Act, the Minister reduces, refuses or ceases to pay a benefit by including in the benefit calculation the value of the rights, property or liquid assets on the date of the waiving of rights or the disposal or squandering of property or liquid assets, after subtracting the adequate consideration received and, for each month elapsed since that date and for not more than two years, an amount of \$1,500.

176. If a benefit application has been refused or the benefit granted to an independent adult or a family has been reduced or has ceased to be paid because of sums granted under another Act and the Minister or body that paid the sums claims them, in whole or in part, the amount of the benefit granted or that could have been granted for the months covered by the claim is recalculated, on a request made within 30 days after receipt of the claim, if the sums claimed were paid

(1) because of an administrative error of the Minister or body concerned; or

(2) as a child assistance payment or a national child benefit supplement; the recalculation is made only for the six months preceding the date of the claim.

For the purposes of this section and when required, new statements relating to the months covered by the claim must be filed.

177. Benefits are paid on the first day of the month, except in exceptional circumstances, and continuous special benefits are paid at the same time. Other special benefits are, however, paid as and when applications are made.

TITLE V RECOVERY

178. For the purposes of paragraph 1 of section 134 of the Individual and Family Assistance Act, in the case of a financial assistance program established under Title II, if an amount is recoverable because of liquid assets, other than those in section 164, exceeding the assets excluded for the purpose of calculating the financial assistance, the claim is determined up to the highest amount of the excess liquid assets in a month within a period during which the independent adult or family was a recipient under the program.

A period consists of the consecutive months during which there are excess liquid assets and each period is considered separately to determine the recoverable amount. Any period of ineligibility under the program that does not exceed three months or any period during which an independent adult or a family is eligible to receive dental and pharmaceutical services pursuant to section 48 is not considered to be an interruption. In addition, liquid assets owned during a period of ineligibility are excluded from the calculation of excess liquid assets.

179. A person is not required to repay the amount of the adjustment granted to account for the advance Québec sales tax credit if the claim covers a period for which the Minister has informed the Minister of Revenue of the amount granted to the person as such in an information return filed under section 1086R8.9 of the Regulation respecting the Taxation Act (R.R.Q., 1981, c. I-3, r.1).

180. A person is not required to repay the amount of the benefit granted for a month under the Social Assistance Program in consideration of the fact that the person resided with his or her father or mother who was a recipient under a last resort financial assistance program if the benefits of the father or mother are subsequently claimed in full for that month. The same applies if the amount of the benefit was established following an erroneous statement from the parent regarding the amount of income received under the Old Age Security Act.

181. A person is not required to repay an amount granted under a last resort financial assistance program if the right realized is from an indemnity other than an income replacement indemnity paid to the person to

compensate damage suffered as a result of an expropriation, eviction, fire or other disaster, act of war, attack or indictable offence, except, if applicable, the amount of any special benefit granted to the person to cover the same damage, in the cases and on the conditions that apply for that special benefit.

182. An independent adult who is sheltered, an adult who is a minor sheltered with her dependent child, an independent adult or a family whose benefit is administered by the Public Curator is not required to repay an amount recoverable because of excess liquid assets. The adult or family is, however, required to repay the amount recoverable because of excess liquid assets owned during the period between the date of the request by the Minister to file a statement of liquid assets and the date of filing of the statement.

183. For the purposes of section 87 of the Individual and Family Assistance Act, if a legal impediment to the alienation of property ceases and the property is not alienated, the person must repay the amounts granted under a last resort financial assistance program up to the net value of the property at the time the impediment ceases.

184. The amount recoverable under section 91 of the Act is determined with reference to the amount of the last resort financial assistance benefits granted to the persons covered by the undertaking during the period of the undertaking.

The amount is calculated according to the following conditions and rules:

(1) in the case of an independent adult or a family all of whose members are covered by the undertaking of only one person or persons solidarily liable, the recoverable amount is the amount of the benefits granted during the undertaking, from which the amount of adjustments for dependent children provided for in sections 68 and 195 and the amount of the special benefits other than those provided for in Schedules I to III are subtracted;

(2) in the case of an independent adult or a family all of whose members are covered by the undertakings of two or more persons who are not solidarily liable, the amount recoverable from each person is the amount of the benefits granted during each undertaking, calculated in accordance with subparagraph 1, which is then apportioned having regard to the amount of the benefits, adjustments, allowances, special benefits, resources and repayments attributable to the persons covered by each undertaking;

(3) in the case of a family of which certain members are covered by the undertaking of only one person or persons solidarily liable, the recoverable amount is the amount of the benefits granted during the undertaking, calculated in accordance with subparagraph 1, from which the amount of the benefits, adjustments, allowances and special benefits attributable to the persons not covered by the undertaking and the amount of the resources and repayments attributable to the persons covered by the undertaking are subtracted; and

(4) in the case of a family of which certain members are covered by undertakings of two or more persons who are not solidarily liable, the recoverable amount is the amount of the benefits granted during each undertaking, calculated in accordance with subparagraph 1, from which the amount of benefits, adjustments, allowances and special benefits attributable to the persons not covered by the undertakings is subtracted; the amount obtained is then apportioned having regard to the amount of the benefits, adjustments, allowances, special benefits, resources and repayments attributable to the persons covered by each undertaking.

For the purpose of calculating the amount under the first paragraph, the amount of special benefits granted to a person covered by an undertaking is considered only if the undertaking was signed after 31 October 1994.

For the purposes of subparagraphs 2 to 4 of the second paragraph, if an amount cannot be attributed to a specific family member, the amount is, as applicable, attributed to the only adult member of the family, apportioned in equal shares between the two adult members of the family or among each of the dependent children.

185. Subject to an agreement or withholding pursuant to sections 98 and 101 of the Act, the debtor of a recoverable amount must, as of the issue date of the certificate referred to in section 100 of the Act, repay a monthly amount to the Minister sufficient to repay the debt within a maximum period of 36 months.

The amount of the repayment may not be less than \$56 per month, except in the case of an independent adult who is sheltered, an adult taken in charge by an intermediate resource or a foster home and an adult who is a minor sheltered with her dependent child, in which case the amount may not be less than \$22 per month.

If, however, the recoverable amount is owed because of a false declaration, the amount of the repayment may not be less than \$112 per month, or if it is owed because of a false declaration and the debtor has already owed such an amount pursuant to the Act, the recoverable amount may not be less than \$224 per month.

186. The recoverable amount must be repaid in full, immediately and without any other formality or notice, as soon as the debtor fails to comply with section 185 or an agreement with the Minister pursuant to section 98 of the Act.

187. For the purposes of section 101 of the Act, if financial assistance other than additional expenses is granted on a monthly basis to the debtor, the Minister withholds part of the assistance, up to \$56 per month, except as provided hereunder:

(1) if the recoverable amount is owed because of a false declaration, \$112 per month; and

(2) if the recoverable amount is owed because of a false declaration and the debtor has already owed such an amount pursuant to the Act, \$224 per month.

Despite the first paragraph, the amount withheld may not exceed \$22 per month if the debtor is an independent adult who is sheltered, an adult taken in charge by an intermediate resource or a foster home, an adult who is a minor sheltered with her dependent child, an ineligible student's spouse or an independent adult required to reside in an institution.

188. The amount withheld under a financial assistance program established under Title II of the Individual and Family Assistance Act cannot reduce by more than 50% the amount of the financial assistance an independent adult or a family would have otherwise received, in which case the amount withheld is decreased to an amount equal to that 50%.

189. For the purposes of section 101 of the Act, the Minister withholds part of the financial assistance granted on a weekly basis other than additional expenses, up to \$13 per week, except as provided hereunder:

(1) if the recoverable amount is owed because of a false declaration, \$26 per week; and

(2) if the recoverable amount is owed because of a false declaration and the debtor has already owed such an amount pursuant to the Act, \$52 per week.

190. If section 101 of the Act applies in respect of an amount owed under a measure or program established by the Minister under the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001), pursuant to section 195 of the Individual and Family Assistance Act, the Minister withholds the amounts set out in section 187 or 189, on

the conditions set out therein and according to the weekly or monthly payment terms applicable to the measure or program concerned.

191. Only one of the withholdings in sections 187, 189 and 190 may apply for the same month in respect of a debtor and is made in the following order:

- (1) the withholding under section 187, applicable to a last resort financial assistance program;
- (2) the withholding under section 189, applicable to the Youth Alternative Program;
- (3) the withholding under section 187, applicable to a specific program;
- (4) the withholding under section 189, applicable to a specific program;
- (5) the withholding under section 190; and
- (6) the withholding under section 189, applicable to an employment-assistance allowance.

192. Subject to section 116 of the Individual and Family Assistance Act and as of the 98th day after the date on which the Minister sends a formal notice to the debtor under section 97 of the Act, the debtor of a recoverable amount is required to pay interest at the rate determined under the first paragraph of section 28 of the Act respecting the Ministère du Revenu.

193. Except if the recoverable amount is owed because of a false declaration, the debtor is not required to pay interest if

- (1) the debtor complies with the agreement with the Minister under section 98 of the Individual and Family Assistance Act;
- (2) the debtor makes the repayment required by section 185;
- (3) the amount granted to the debtor is subject to the withholding under section 187, 189 or 190; or
- (4) the debtor attends a secondary-level educational institution in a vocational program or a postsecondary educational institution within the meaning of section 23 on a full-time basis.

194. The debtor of a recoverable amount is required to pay the following recovery charges:

(1) \$100 for every formal notice sent pursuant to section 97 of the Act, if the recoverable amount is at least \$100 and is owed because of a false declaration;

(2) \$50 for the certificate filed pursuant to section 103 of the Act; and

(3) \$175 for each measure to secure a claim taken under Title III of Book VI of the Civil Code and for each enforcement measure taken under Title II of Book IV of the Code of Civil Procedure (R.S.Q., c. C-25).

The charges are part of the recoverable amount.

TITLE VI TRANSITIONAL AND FINAL

195. Until 31 March 2008, the Labour Code (R.S.Q., c. C-27), the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Public Service Act (R.S.Q., c. F-3.1.1) and the Act respecting labour standards (R.S.Q., c. N-1.1) do not apply to work activities engaged in as part of the social integration work assistance measure.

196. A family composed of only one adult and not more than two dependent children that, in December 2006, receives the increase referred to in section 200 of the Regulation respecting income support continues to receive, as of 1 January 2007, an adjustment of the basic benefit provided for in section 56 or 57 or the social solidarity allowance provided for in section 156 in the amount of \$8.33 for the first dependent child and \$22.83 for the second dependent child.

In that case, the family retains the right to the adjustment so long as the family is entitled to receive, without interruption, last resort financial assistance benefits or the special benefit for dental and pharmaceutical services pursuant to section 48, and so long as the family continues to be composed of only one adult and not more than two dependent children.

For the purposes of this section, the youngest dependent child is deemed to be the first child.

197. For the purposes of this Regulation, every benefit granted under the Employment-Assistance Program established under the Act respecting income support, employment assistance and social solidarity is a benefit granted under a last resort financial assistance program established by the Individual and Family Assistance Act.

198. For the purposes of section 184, the recoverable amount is determined with reference to the calculation rules for last resort financial assistance benefits for the period covered by the claim, with the necessary modifications.

199. As of 1 January 2007, subparagraphs 1 to 3 of the first paragraph of section 12 of the Regulation respecting income support and the second paragraph of that section, insofar as it concerns any of those subparagraphs, continue to apply as they read on 31 December 2006 in the cases, on the conditions and according to the period provided for therein, and any reference to subparagraph 1 of the first paragraph of section 48 of this Regulation is a reference to any of subparagraphs 1 to 3 of the first paragraph of section 12 of the Regulation respecting income support.

As of 1 April 2007, the first paragraph continues to apply to an independent adult or a family who, on 31 March 2007, is eligible to receive dental and pharmaceutical services pursuant to that paragraph.

200. As of 1 January 2007, subparagraphs 4 to 6 of the first paragraph of section 12 of the Regulation respecting income support and the second paragraph of that section, insofar as it concerns any of those subparagraphs, continue to apply as they read on 31 December 2006 in the cases, on the conditions and according to the period provided for therein, to an independent adult or a family who, on that date, was eligible to receive dental and pharmaceutical services pursuant to any of those subparagraphs.

During that period, any reference to subparagraph 2 of the first paragraph of section 48 of this Regulation is a reference to subparagraphs 4 and 4.1 of the first paragraph of section 12 of the Regulation respecting income support and any reference to subparagraph 3 or 4 of the first paragraph of section 48 of this Regulation is a reference to subparagraph 5 or 6 respectively of the first paragraph of section 12 of the Regulation respecting income support.

201. In this Regulation, any reference to an independent adult or a family who is eligible to receive dental and pharmaceutical services pursuant to section 48 is also a reference to an independent adult or a family who is eligible to receive such services pursuant to sections 199 and 200.

202. Until 1 July 2007, the rules relating to the parental contribution set out in sections 127 to 130 and in section 205 of the Regulation respecting income support, as they read on 31 December 2006, apply to an adult who is deemed to receive a parental contribution

under subparagraph *f* of paragraph 2 of section 55 of the Individual and Family Assistance Act, with the necessary modifications.

203. This Regulation replaces the Regulation respecting income support made by Order in Council 1011-99 dated 1 September 1999.

204. As of 1 July 2007, for the purposes of the Social Assistance Program and the Social Solidarity Program, a child in respect of whom custody is shared under an order or agreement that sets the annual custody arrangements at less than 40% is an adult's dependant if, on 30 June 2007, the adult was a recipient under either program or was eligible to receive dental and pharmaceutical services pursuant to section 48 and had a dependent child for whom annual custody arrangements provided for less than 40% custody.

However, on 1 July 2007, if the annual custody arrangements provide for less than 20% custody, the amount of the dependent child adjustments provided for in this Regulation that apply to the child, except the adjustment in section 68, is determined by multiplying the amount by the custody percentage.

This section continues to apply so long as the adult is, without interruption, a recipient of a last resort financial assistance program or is eligible to receive dental and pharmaceutical services pursuant to section 48, and so long as the adult shares custody of a child under an order or an agreement that sets the annual custody arrangements at less than 40% custody.

205. As of 1 July 2007, for the purposes of an employment-assistance measure or program, a child in respect of whom custody is shared under an order or an agreement that sets the annual custody arrangements at less than 40% custody is an adult's dependant if, in June 2007, the adult participated in such a measure or program and the child was considered to be the adult's dependant under the agreement with the Minister in that respect.

This section continues to apply so long as the adult continues, without interruption, to participate in the employment-assistance measure or program covered by the agreement, and so long as the adult has custody of the child.

206. Until 1 October 2007, in the case of a contravention of section 65 of the Act, the Minister reduces, refuses or ceases to pay a last resort financial assistance benefit using the rules in section 150 of the Regulation respecting income support, as it read on 31 December 2006.

207. Until 1 October 2007, for the purposes of section 170, income considered pursuant to the second paragraph of section 166 and the first paragraph of section 169 is also subtracted from liquid assets owned on the date of application provided the income has been deposited in a financial institution.

208. As of 1 January 2007, an agreement entered into under section 227 of the Act respecting income support, employment assistance and social solidarity remains in force for the purposes of that Act and the Individual and Family Assistance Act until the agreement is replaced or cancelled.

209. This Regulation comes into force on 1 January 2007, except section 13 and subparagraph 1 of the first paragraph of section 48, which come into force on 1 April 2007, sections 152 to 154, which come into force on 1 July 2007, and paragraphs 8, 10 and 11 of section 138 and section 175, which come into force on 1 October 2007.

Despite the foregoing, the provisions applicable to the Youth Alternative Program or a specific program have effect only as of 1 April 2007. In addition, section 13 has effect in respect of an employment-assistance measure or program, the Social Assistance Program and the Social Solidarity Program only as of 1 July 2007. Until that date, section 44 of the Regulation respecting income support, as it read on 31 December 2006, continues to apply in respect of a family eligible under the Social Assistance Program or the Social Solidarity Program, with the necessary modifications.

SCHEDULE I (s. 96)

GLASSES AND LENSES

DIVISION 1 **RULES OF APPLICATION**

1.1 Lenses and supplementary items

1.1.1 Special benefits cover the cost of the lenses and supplementary items listed in subdivision 2.3 of Division 2 under the rates listed therein.

1.1.2 The cost of both lenses is reimbursed where the weaker eye requires a correction of at least 0.50 dioptres or use of a prism prescribed as a supplementary item. The prism must provide a correction of at least 1 dioptre in the weaker eye.

1.1.3 The cost of a lens is not reimbursed unless it was prescribed by an optometrist or a physician, except to replace a broken lens.

1.1.4 The cost of replacing lenses is paid when the recipient's vision requires a correction of at least 0.50 dioptres and, in the case of a dependent child, when the child's growth so requires.

In the case of accidental breakage, damage or loss, the special benefit may not exceed 75% of the amounts listed in subdivision 2.2 of Division 2.

1.1.5 A recipient who needs bifocal lenses but whose inability to wear them is certified by an optometrist or a physician is entitled to two pairs of glasses.

Special benefits may cover, for the purchase of those glasses, only the cost of the pair of bifocal lenses which the recipient is unable to wear, and the cost of one pair of frames under the rates listed in Division 2.

1.2 Contact lenses

1.2.1 Special benefits cover the cost of hard unifocal contact lenses, hard bifocal contact lenses, hard toric contact lenses and soft contact lenses provided on prescription under the rates listed in subdivision 2.4 of Division 2,

(a) upon medical or optometric prescription, when the correction otherwise obtained is not adequate and in any case of

- i. myopia of at least 5 dioptres,
- ii. hypermetropia of at least 5 dioptres,
- iii. astigmatism of at least 3 dioptres,
- iv. anisometropia of at least 2 dioptres,
- v. keratoconus, or
- vi. aphakia, or

(b) upon medical prescription, for treatment of any acute or chronic pathology of the eyeball, such as ocular perforation, ulceration of the cornea or dry keratitis.

1.2.2 Special benefits cover the cost of replacing contact lenses under the rates listed in subdivision 2.4 of Division 2

(a) when the recipient's vision requires a correction of at least 0.50 dioptres; and

(b) in the case of accidental breakage, damage or loss.

1.3 Frames

1.3.1 Special benefits cover the cost of purchasing one pair of frames under the rates listed in subdivision 2.5 of Division 2, once per 24-month period for an adult and whenever necessary for a dependent child.

1.3.2 When an adult's frames have been accidentally broken or lost, special benefits cover the cost of replacing the frames under the rates listed in subdivision 2.5 of Division 2; in such a case, the cost of another pair of frames may be paid only 24 months after the date of replacement.

DIVISION 2 RATES

2.1 General

2.1.1 The notion of "replacement" used in this Schedule concerns situations where a special benefit has already been granted to pay the cost, as the case may be, of a pair of frames, lenses or contact lenses.

2.1.2 The rates in this Division apply for one lens, except for the replacement of two contact lenses.

2.1.3 The rates in this Division for one bifocal lens apply to a round bifocal lens.

2.1.4 The cylinder must always be calculated in minus terms (-) to determine to which category a spherical or spherico-cylindrical lens belongs.

2.2 Lenses

Spherical power	Cylindrical power	Unifocal lens	Bifocal lens
Plano to 4.00		\$14.50	\$29
Plano to 4.00	-0.25 to -3.00	\$19	\$35.50
Plano to 4.00	-3.25 to -6.00	\$26	\$42
4.25 to 10.00		\$19.50	\$34
4.25 to 10.00	-0.25 to -3.00	\$27.50	\$46
4.25 to 10.00	-3.25 to -6.00	\$34.50	\$53
10.25 to 12.00		\$30.50	\$71.50
10.25 to 12.00	-0.25 to -3.00	\$37.50	\$77.50
10.25 to 12.00	-3.25 to -6.00	\$41	\$83.50

2.3 Supplementary items

Prism 1 to 7 dioptres	\$6
Prism 7.25 to 10 dioptres	\$9
Compensatory prism	\$25
Spherical exceeding 12 dioptres	\$14
Cylindrical exceeding 6 dioptres	\$11
Addition exceeding 4 dioptres	\$9
Fresnel lens	\$14
Safety mineral lens (dependent child only)	\$4
Scratch-resistant coating for organic lenses (dependent child only)	\$4
High index unifocal lens (1.6 or more) if there is a correction of at least 8 dioptres	\$22

2.4 Contact lenses

2.4.1 Purchase or replacement when the correction required is at least 0.50 dioptres

— Spherical lens	\$62.50 each
— Toric lens	\$65 each

2.4.2 Replacement due to accidental breakage, damage or loss

— 1 lens	\$50
— 2 lenses	\$95

2.5 Frames

— Purchase	\$50
— Replacement due to accidental breakage or loss (adults)	\$40

SCHEDULE II

(s. 97)

ORTHOPEDIC SHOES AND PLANTAR ORTHOSES**DIVISION 1****RULES OF APPLICATION**

1.1 Special benefits cover the cost of custom orthopedic shoes and plantar orthoses up to the maximum amount indicated in the rates listed in Division 2; however, in the case of an orthopedic shoe referred to in paragraph 2.1.1, special benefits cover the cost of only one pair of shoes per adult not more than once in a 12-month period, and only for the cost in excess of \$50.

In the case of plantar orthoses, benefits cover the cost of a single pair during the first year of the initial fitting.

1.2 The rate for corrective shoes covers standard corrective shoes, open, closed or straight.

1.3 The rate for a wedge or elevation applies to each shoe and the rate for Thomas heels applies to the pair of shoes.

1.4 Special benefits cover the cost of replacement of plantar orthoses only once per 2-year period, unless a replacement is needed for a dependent child due to the child's growth.

DIVISION 2**RATES****2.1 Shoes**

2.1.1 Shoes manufactured from a plaster, wood or plastic cast, individual or universal \$500 a pair

2.1.2 Standard corrective shoes, open, closed or straight (child) \$30 a pair

2.2 Plantar orthoses (foot orthoses or podiatric orthoses) \$180 a pair

2.3 Wedge (inside or outside)

— sole \$15

— heel \$20

2.4 Thomas heels (child) \$15 a pair

2.5 Elevation of sole and heel

— less than 15 mm in height \$25

— between 15 and 30 mm in height \$50

— over 30 mm in height \$75

SCHEDULE III

(s. 98)

PROSTHESES, ORTHOSES AND ACCESSORIES**DIVISION 1****RULES OF APPLICATION**

1.1 Special benefits cover the cost of prostheses, orthoses and accessories up to the maximum amount indicated in the rates listed in Division 2, insofar as the cost is not borne by the Régie de l'assurance maladie du Québec.

1.2 Special benefits cover the rental cost up to the maximum amount indicated in the rates listed in Division 2, insofar as the cost, considering the duration of the need, does not exceed the purchase cost.

1.3 The cost of the articles listed under the heading "Elimination System" is not paid if the recipient already receives special benefits for temporary urostomy, ileostomy or colostomy or special benefits for paraplegia.

The cost is not paid if the recipient receives benefits under a program providing devices free of charge for ostomates.

DIVISION 2**RATES****2.1 Hernia belts, all sizes (including pads)**

— single \$40

— double \$68

2.2 Orthopedic supports

2.2.1 Sacro-iliac supports, all sizes \$75

2.2.2 Sacro-lumbar supports, all sizes (including 2 steel stays)

— men \$75

— women \$85

2.2.3 Dorso-lumbar corsets (including garters, perineal strap and steel stays)		2.7 Orthoses, lower limbs	
— men	\$150	2.7.1 Ankle supports	\$25
— women	\$155	2.7.2 Ankle orthoses, all sizes	\$40
2.3 Straps (cotton, all sizes)		2.7.3 Knee supports	\$47
2.3.1 Straps (post-operative belts)	\$37	2.7.4 Elastic knee braces	\$60
2.3.2 Thoracic supports	\$18	2.7.5 Knee braces with metal hinges	\$92
2.3.3 Abdominal binders	\$37	2.7.6 Knee braces (hinge free)	\$64
2.3.4 Arm straps (supports)	\$8	2.8 Elimination system	
2.3.5 Shoulder straps (supports)	\$40	2.8.1 Catheters (each)	
2.4 Elastic stockings		— short duration	\$3.50
2.4.1 20 mm compression		— long duration	\$15
— knee-high	\$59	2.8.2 Strips, adaptors, glue and straps (each)	
— above-knee	\$77	— Urihesive strips	\$1.30
— tights	\$91	— Self-adhesive elastic strips	\$0.15
— maternity	\$97	— Adaptors	\$1.50
2.4.2 30 to 70 mm compression		— Catheter glue (118-ml container)	\$9.50
— knee-high	\$59	— Leg bag straps	\$6.50
— above-knee	\$77	2.8.3 Tubes and syringes (each)	
— groin	\$89	— Latex tube	\$0.75
— half-tights	\$65	— Extension tube	\$1.75
— tights	\$104	— Plastic tube clip	\$1.50
2.5 Cervical orthoses		— Plastic tube clamp	\$1
2.5.1 Cervical collars, soft or rigid	\$20	— Disposable syringe	\$0.05
2.5.2 Cervical traction set, complete, with bag and chin support	\$40	— Stomach tube, all sizes	\$8
2.6 Orthoses, upper limbs		2.8.4 Drainage bags (case)	\$125
2.6.1 Elbow supports (elastic)	\$25	2.8.5 Urinal	
2.6.2 Elbow orthoses (elastic)	\$35	— Complete, reusable bag not included (Daval type)	\$135

2.8.6 Trays (each)		2.9.7 Lubricant, solvent and solution	
— Irrigation tray	\$4.20	— Lubricant (packet)	\$0.10
— Catheterization tray	\$5.25	— Lubricant (tube)	\$4
2.8.7 Incontinence pants (case)	\$60	— Solvent (packet)	\$0.10
2.8.8 Incontinence diapers (case)	\$55	— Antiseptic solution (100 ml)	\$0.15
2.8.9 Underpads		2.9.8 Gloves and towels (each)	
— Disposable (each)	\$0.30	— Sterile glove	\$0.25
— Washable (package)	\$30	— Non-sterile glove	\$0.15
2.9 Miscellaneous		— Antiseptic or aseptic towel	\$0.15
2.9.1 Commode chair		2.9.9 Eggshell mattress pad	\$30
— stationary	\$150	2.10 Ambulatory aids	
— adjustable	\$312	2.10.1 Canes	
2.9.2 Adjustable toilet seat	\$80	— wood	\$16
2.9.3 Adjustable toilet safety rail		— aluminum (adjustable)	\$30
— each	\$36	2.10.2 Crutches	
— pair	\$63	— wood	\$20
2.9.4 Bath bench		— aluminum	\$46
— with back	\$60	— forearm	\$103
— without back	\$45	2.10.3 Adjustable walkers	\$89
2.9.5 Bathtub and toilet rail, all lengths		2.10.4 Wheelchair	\$518
— straight	\$21	2.11 Hospital beds	
— “L” shaped	\$53	2.11.1 Hospital bed	\$435
2.9.6 Bandages and dressings (each)		2.11.2 Mattress	\$109
— Bandage	\$2.50	2.11.3 Bed rails (pair)	\$130
— Sterile dressing	\$0.35	2.12 Breathing apparatus	
— Non-sterile dressing	\$0.15	2.12.1 Model suitable for home use	\$258
— Antiseptic or aseptic swab	\$0.05	2.12.2 Aerosol compressor	\$250

2.13 Rental

2.13.1 Wheelchairs	\$35/month
2.13.2 Ambulatory aids	\$6/month
2.13.3 Hospital beds	\$69/month
2.13.4 Breathing apparatus	
— all kinds including: mechanical ventilators, oxygen enrichers, secretion suction devices	\$500/month
— oxygen concentrator	\$250/month

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Gouvernement du Québec

O.C. 1075-2006, 22 November 2006

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20)

Commission de la construction du Québec**— Levy**

Levy Regulation of the Commission de la construction du Québec

WHEREAS under subparagraph *c* of the 1st paragraph of section 82 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the Commission de la construction du Québec may, by way of a regulation approved by the Government and published in the *Gazette officielle du Québec*, levy upon the employer alone or upon both the employer and the employee or upon the employee alone or, as the case maybe, upon the independent contractor, the amounts required for its administration and fix a minimum amount which an employer is bound to pay per monthly period;

WHEREAS after consulting with the Joint Committee on Construction in accordance with section 123.3 of the Act, the Commission made the Levy Regulation for the year 2007;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Levy Regulation for the year 2007 was published in Part 2 of the *Gazette officielle du Québec* of September 6th,

2006 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS no comment was received following that publication and there is reason to approve the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Levy Regulation of the Commission de la construction du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Levy Regulation of the Commission de la construction du Québec

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 82, 1st par. subpar. *c*)

1. The levy imposed by the Commission de la construction du Québec for the year 2007 is:

(1) in the case of an employer, 0.75 of 1% of the total remuneration paid to his employees;

(2) in the case of an independent contractor, 0.75 of 1% of his remuneration as an independent contractor;

(3) in the case of an employee, 0.75 of 1% of his remuneration.

Notwithstanding the first paragraph, the minimum amount that an employer or an independent contractor is bound to pay the Commission per monthly period is \$10.

2. The employer shall collect, on behalf of the Commission, the amount levied upon his employees by means of a weekly deduction on their wages.

3. The independent contractor shall deduct weekly, out of the remuneration he received as an independent contractor, the amount levied upon him.

4. The employer and the independent contractor shall remit to the Commission the amount levied for a monthly period in pursuance of this Regulation, not later than the 15th of the following month.

5. This Regulation comes into force on 1 January 2007.

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Gouvernement du Québec

O.C. 1096-2006, 29 November 2006

Individual and Family Assistance Act
(2005, c. 15)

Individual and family assistance — Amendments

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, pursuant to the Individual and Family Assistance Act (2005, c. 15), the Government made the Individual and Family Assistance Regulation by Order in Council 1073-2006 dated 22 November 2006;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed by section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication:

— the amendments in the Regulation attached to this Order in Council are made to increase, as of 1 January 2007, the benefits granted under the Social Assistance Program and the Social Solidarity Program, in accordance with the government action plan to counter poverty and social exclusion made by Order in Council 416-2004 dated 28 April 2004, to adjust to the rate that applies to the personal income tax system and which was made public only on 15 November 2006;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Individual and Family Assistance Regulation, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Individual and Family Assistance Regulation*

Individual and Family Assistance Act
(2005, c. 15, s. 132, pars. 1, 2, 7, 10, 13, 17 and 20,
s. 133, par. 1 and s. 136)

1. The Individual and Family Assistance Regulation is amended in section 52

(1) by replacing “\$836”, “\$1,195”, “\$1,416”, “\$1,241”, “\$1,480” and “\$1,701” in the first paragraph by “\$852”, “\$1,218”, “\$1,443”, “\$1,267”, “\$1,511” and “\$1,736” respectively;

(2) by replacing “\$221” in the second paragraph by “\$225”;

(3) by replacing “\$836”, “\$239” and “\$221” in the third paragraph by “\$852”, “\$244” and “\$225” respectively;

(4) by replacing “\$162” in the fourth paragraph by “\$165”;

(5) by replacing “\$836” in the fifth paragraph by “\$852”.

2. Section 53 is amended

(1) by replacing “\$5,359”, “\$5,580”, “\$5,239” and “\$5,460” in the first paragraph by “\$5,366”, “\$5,591”, “\$5,244” and “\$5,469” respectively;

(2) by replacing “\$221” in the second paragraph by “\$225”;

(3) by replacing “\$239” and “\$221” in the third paragraph by “\$244” and “\$225” respectively;

(4) by replacing “\$162” in the fourth paragraph by “\$165”.

3. Section 56 is amended by replacing “\$543” and “\$841” by “\$548” and “\$849” respectively.

* The Individual and Family Assistance Regulation made by Order in Council 1073-2006 dated 22 November 2006 (2006 G.O. 2, 3877) has not been amended.

4. Section 57 is amended by replacing “\$443” and “\$741” in the part before paragraph 1 by “\$448” and “\$749” respectively.

5. Section 59 is amended by replacing “\$149” and “\$99” by “\$151” and “\$101” respectively.

6. Section 60 is amended by replacing “\$173” by “\$177”.

7. Section 64 is amended

(1) by replacing “\$115” in the first paragraph by “\$116”;

(2) by replacing “\$198” and “\$115” in the second paragraph by “\$200” and “\$116” respectively.

8. Section 66 is amended

(1) by replacing “\$14.08” in the first paragraph by “\$14.33”;

(2) by replacing “\$28.17” in the second paragraph by “\$28.67”;

(3) by replacing “\$9.59” in the second paragraph by “\$9.75”.

9. Section 75 is amended by replacing “\$161.50” in the second paragraph by “\$165”.

10. Section 116 is amended

(1) by replacing “\$836”, “\$1,195”, “\$1,416”, “\$1,241”, “\$1,480” and “\$1,701” in the first paragraph by “\$852”, “\$1,218”, “\$1,443”, “\$1,267”, “\$1,511” and “\$1,736” respectively;

(2) by replacing “\$221” in the second paragraph by “\$225”;

(3) by replacing “\$836”, “\$239” and “\$221” in the third paragraph by “\$852”, “\$244” and “\$225” respectively;

(4) by replacing “\$162” in the fourth paragraph by “\$165”;

(5) by replacing “\$836” in the fifth paragraph by “\$852”.

11. Section 132 is amended

(1) by replacing “\$359”, “\$580”, “\$239” and “\$460” in the first paragraph by “\$366”, “\$591”, “\$244” and “\$469” respectively;

(2) by replacing “\$221” in the second paragraph by “\$225”;

(3) by replacing “\$239” and “\$221” in the third paragraph by “\$244” and “\$225” respectively;

(4) by replacing “\$162” in the fourth paragraph by “\$165”.

12. Section 156 is amended

(1) by replacing “\$812” in the first paragraph by “\$828”;

(2) by replacing “\$1,213” in the second paragraph by “\$1,238”.

13. Section 157 is amended

(1) by replacing “\$411” in the first paragraph by “\$419”;

(2) by replacing “\$173” in the second paragraph by “\$177”.

14. Section 206 is replaced by the following:

“**206.** Until 1 October 2007, in the case of a contravention of section 65 of the Individual and Family Assistance Act, the Minister reduces, refuses or ceases to pay a last resort financial assistance benefit by including in the benefit calculation the value of the rights, property or liquid assets on the date of the waiving of rights or the disposal or squandering of property or liquid assets, after subtracting the adequate consideration received and, for each month elapsed since that date and for not more than two years, an amount established as follows:

(1) for each month of benefit ineligibility:

Number of adults	Number of dependent children	Amount
1	0	\$852
1	1	\$1,218
1	2	\$1,443
2	0	\$1,267
2	1	\$1,511
2	2	\$1,736

(2) for each month of benefit eligibility:

(a) determine the basic benefit or, if applicable, the social solidarity allowance granted to the adult or adult members of the family;

(b) add, if applicable, the amount of the temporarily limited capacity allowance;

(c) add the amount of the adjustment to account for the advance Québec sales tax credit; and

(d) add, for each dependent child, an amount established as follows:

Number of adults	Number of dependent children	Amount
1	1	\$366
1	2	\$591
2	1	\$244
2	2	\$469

The amount established under the first paragraph is increased by \$225 for the third dependent child and for each additional child. It is also increased by \$165 for any dependent child receiving a supplement for handicapped children under the Taxation Act.”.

15. This Regulation comes into force on 1 January 2007.

7872

M.O., 2006

Order of the Minister of Sustainable Development, Environment and Parks dated 23 November 2006

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Extension of the setting aside of the land for four proposed ecological reserves

WHEREAS, under section 88 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), the ecological reserves existing on the date of assent to that Act have been maintained, are deemed to have been set aside in accordance with Title III of that Act for a period of four years beginning on 19 December 2002 and are governed, as of that date, by the provisions of that Act;

WHEREAS, in accordance with that section, the land for the following four proposed ecological reserves has been set aside until 19 December 2006:

- the proposed Grande-Rivière ecological reserve;
- the proposed Matamec ecological reserve (northern portion);
- the proposed Paul-Provencher ecological reserve;
- the proposed Ruisseau-Clinchamp ecological reserve;

WHEREAS, under section 28 of that Act, the setting aside of land may be renewed or extended by the Minister, although the renewals or extensions may not, unless so authorized by the Government, be such that the term of the setting aside exceeds six years;

CONSIDERING that an additional period will be required to complete the work and process necessary to make an informed decision on permanent protection status to be assigned to all or any portion of the land concerned;

THEREFORE, the Minister of Sustainable Development, Environment and Parks orders as follows:

the setting aside of land for the proposed Grande-Rivière ecological reserve, the proposed Matamec ecological reserve (northern portion), the proposed Paul-Provencher ecological reserve and the proposed Ruisseau-Clinchamp ecological reserve is hereby extended for a period of two years from 19 December 2006 to 19 December 2008.

Québec, 23 November 2006

CLAUDE BÉCHARD,
*Minister of Sustainable Development,
Environment and Parks*

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Treasury Board

Gouvernement du Québec

T.B. 204485, 21 November 2006

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendments to Schedules VI and VII

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Amendments to Schedules VII and VIII

Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan and to Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 220 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII to the Act and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 217 of that Act, the rates of interest of Schedule VI to that Act are determined, for each period indicated, according to the rules and procedures determined by regulation and the rates of return on certain categories of amounts referred to in section 127 and designated by that regulation;

WHEREAS Schedule VI to that Act was last amended by Decision of the Conseil du trésor dated 19 December 2005 (T.B. 203184) to provide for the rate of interest based on the rates of return of certain funds payable under that Act as of 1 June 2005;

WHEREAS it is expedient to further amend Schedule VI to that Act to provide for the interest payable under the first paragraph of section 217 of that Act as of 1 June 2006;

WHEREAS, under the second paragraph of section 217 of that Act, the rates of interest of Schedule VII to that Act are determined, for each period indicated, according to the rules and procedures determined by regulation and based on an external index designated by that regulation;

WHEREAS Schedule VII to that Act was last amended by Decision of the Conseil du trésor dated 19 December 2005 (T.B. 203184) to provide for the rate of interest based on an external index payable under that Act as of 1 June 2005;

WHEREAS it is expedient to further amend Schedule VII to that Act to provide for the interest payable under the second paragraph of section 217 of that Act as of 1 June 2006;

WHEREAS, under the first paragraph of section 207 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, by order, amend Schedules I and III to VIII to that Act and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 204 of that Act, the rates of interest of Schedule VII to that Act are determined, for each period indicated, according to the rules and procedures determined by regulation and on the basis of the rates of return on certain classes of amounts referred to in section 177 of that Act and designated by that regulation;

WHEREAS Schedule VII to that Act was last amended by Decision of the Conseil du trésor dated 19 December 2005 (T.B. 203184) to provide for the rate of interest based on the rates of return of certain funds payable under that Act as of 1 June 2005;

WHEREAS it is expedient to further amend Schedule VII to that Act to provide for the interest payable under the first paragraph of section 204 of that Act as of 1 June 2006;

WHEREAS, under the second paragraph of section 204 of that Act, the rates of interest of Schedule VIII are determined, for each period indicated, according to the rules and procedures established by regulation and on the basis of an external index designated by that regulation;

WHEREAS Schedule VIII to that Act was last amended by Decision of the Conseil du trésor dated 19 December 2005 (T.B. 203184) to provide for the rate of interest based on an external index payable under that Act as of 1 June 2005;

WHEREAS it is expedient to further amend Schedule VIII to that Act to provide for the interest payable under the second paragraph of section 204 of that Act as of 1 June 2006;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers mentioned in paragraphs 1 to 6 of that section;

WHEREAS the Minister of Finance has been consulted;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan and to Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel, attached hereto, are hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan* and to Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel**

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 207, 1st par.)

1. Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended

(1) by replacing “as of 1 June 2005” by “1 June 2005 to 31 May 2006”;

(2) by adding “13.20% as of 1 June 2006” at the end.

2. Schedule VII to that Act is amended

(1) by replacing “as of 1 June 2005” by “1 June 2005 to 31 May 2006”;

(2) by adding “3.50% as of 1 June 2006” at the end.

3. Schedule VII to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended

(1) by replacing “as of 1 June 2005” by “1 June 2005 to 31 May 2006”;

(2) by adding “13.64% as of 1 June 2006” at the end.

4. Schedule VIII to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended

(1) by replacing “as of 1 June 2005” by “1 June 2005 to 31 May 2006”;

(2) by adding “3.50% as of 1 June 2006” at the end.

5. These Amendments have effect from 1 June 2006.

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* Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) have not been amended since the last updating of the Revised Statutes of Québec to 1 March 2006.

** Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) have not been amended since the last updating of the Revised Statutes of Québec to 1 March 2006.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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