


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **288**, Approved and Ordered **MAY 18 2007**


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) sections 2 to 8 of the *Budget Measures Implementation Act, 2007*, S.B.C. 2007, c. 1, are brought into force, and
- (b) the Home Owner Grant Regulation, B.C. Reg. 100/2002, is amended in accordance with the attached Schedule.



Minister of Finance



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Home Owner Grant Act, R.S.B.C. 1996, c. 194, ss. 18 and 18.1

Other (specify):- Budget Measures Implementation Act, 2007, S.B.C. 2007, c. 1, s. 49; O.C. 363/2002

May 16, 2007

R/529/2007/6

SCHEDULE

- 1 *The Home Owner Grant Regulation, B.C. Reg. 100/2002, is amended by adding the following heading before section 1:*

PART 1 – GENERAL .

- 2 *The following Part is added:*

PART 2 – LOW-INCOME GRANT SUPPLEMENT

Definitions

- 9 In this Part:

“**adjusted net income**”, in relation to an eligible individual for a relevant tax year, means the adjusted net income of the individual as determined under section 11;

“**dependent child**”, in relation to an eligible individual, means an individual who meets all the following requirements:

- (a) is or was less than 19 years of age at some time during the relevant tax year;
- (b) resided with either or both of the eligible individual or that individual’s shared-income spouse for, as applicable,
 - (i) in the case of an application for a low-income supplement that is made in the relevant tax year, at least 50% of the time in that relevant tax year up to the date the application is made, or
 - (ii) in the case of an application for a low-income supplement that is made in the subsequent tax year, at least 50% of the time in the relevant tax year;
- (c) relied on either or both of the eligible individual or that eligible individual’s shared-income spouse for the necessities of life for, as applicable,
 - (i) in the case of an application for a low-income supplement that is made in the relevant tax year, at least 50% of the time in that relevant tax year up to the date the application is made, or
 - (ii) in the case of an application for a low-income supplement that is made in the subsequent tax year, at least 50% of the time in the relevant tax year;

“**eligible individual**” means

- (a) an owner, or the spouse or relative of a deceased owner, who may be eligible under section 2 (8) of the Act for a low-income grant supplement, or
- (b) an eligible occupant, or the spouse or relative of an eligible occupant, who may be eligible under section 7 (3) of the Act for a low-income grant supplement;

“**net income**” of an individual for a tax year means

- (a) subject to paragraph (b), the net income of the individual for that tax year as determined under section 3 of the *Income Tax Act* (Canada), or
- (b) \$0, if the net income of the individual for that tax year as determined under section 3 of the *Income Tax Act* (Canada) is less than \$0;

“previous tax year” means the tax year immediately preceding the relevant tax year;

“qualifying low-income individuals” has the same meaning as in section 18.1 of the Act;

“relevant property” means,

- (a) in relation to an owner, or the spouse or relative of a deceased owner, who is an eligible individual affected by a grant reduction or elimination described in section 2 (8) of the Act, the eligible residence referred to in that provision, and
- (b) in relation to an eligible occupant, or the relevant spouse or relative of a deceased eligible occupant described in section 7 (3) of the Act, who is an eligible individual affected by a reduction in or elimination of the benefit described in section 7 (3) of the Act, that occupant’s eligible apartment, eligible housing unit, eligible land cooperative residence or eligible multi dwelling leased parcel residence, as applicable;

“relevant tax year” means the tax year in relation to which an eligible individual is applying for a low-income grant supplement;

“shared-income spouse”, in relation to an eligible individual for a relevant tax year, means an individual who

- (a) on the date the application for a low-income grant supplement is made by the eligible individual, is either
 - (i) married to that eligible individual, but not separated and living apart from the eligible individual in circumstances where they
 - (A) have entered into a written agreement under which they have agreed to live apart, or
 - (B) are subject to an order of the court recognizing the separation, or
 - (ii) living and cohabiting with the eligible individual in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, and has been for a period of at least 2 years before that date, and
- (b) had a relationship described in paragraph (a) with the eligible individual at some time during the relevant tax year;

“subsequent tax year” means the tax year immediately following the relevant tax year;

“Whistler Agreement” means the 2007-2010 Residential Property Assistance Program Agreement between the government and the Resort Municipality of Whistler.

Low-income grant supplement program

- 10** (1) A low-income grant supplement program is established for qualifying low-income individuals.
- (2) The grant administrator is responsible for administering the low-income grant supplement program under and in accordance with the Act and this regulation.

Qualifying as a low-income individual – adjusted net income limit

- 11** (1) An eligible individual qualifies as a low-income individual for the purposes of section 18.1 (1) of the Act in relation to a relevant tax year if his or her adjusted net income for the relevant tax year, as determined under this section, does not exceed \$30 000.
- (2) If an eligible individual does not have a shared-income spouse in relation to the relevant tax year, the adjusted net income of the eligible individual for that relevant tax year is
- (a) the net income of that eligible individual for the previous tax year, minus the total of the following, as applicable:
 - (b) \$3 000, if the eligible individual is 65 years of age or older at any time during the relevant tax year;
 - (c) for each dependent child of the eligible individual for the relevant tax year,
 - (i) \$3 000,minus
 - (ii) one-half of any deduction that the eligible individual claimed under section 63 [*child care expenses*] of the *Income Tax Act* (Canada) for that previous tax year with respect to the dependent child, to a maximum of \$3 000;
 - (d) in relation to amounts received under the *Universal Child Care Benefit Act* (Canada),
 - (i) amounts that the eligible individual included for that previous tax year under section 56 (6) [*universal child care benefit*] of the *Income Tax Act* (Canada),minus
 - (ii) any repayments that were deducted by the eligible individual under section 60 (y) [*repayment of universal child care benefit*] of that Act for that previous tax year;
 - (e) \$3 000 for each person in respect of whom the eligible individual claimed a deduction under section 118.3 [*disability credit*] of the *Income Tax Act* (Canada) for the previous tax year.
- (3) If an eligible individual has a shared-income spouse in relation to the relevant tax year, the adjusted net income of the eligible individual for that relevant tax year is
- (a) the total of
 - (i) the net income of the eligible individual for the previous tax year, and
 - (ii) the net income of the shared-income spouse for the previous tax year,minus the total of the following, as applicable:

- (b) \$3 000 for the shared-income spouse;
- (c) \$3 000, if the eligible individual is 65 years of age or older at any time during the relevant tax year;
- (d) \$3 000, if the shared-income spouse is 65 years of age or older at any time during the relevant tax year;
- (e) for each dependent child of the eligible individual or the shared-income spouse for the relevant tax year,
 - (i) \$3 000.
 minus
 - (ii) one-half of any deduction that the eligible individual or the shared-income spouse claimed under section 63 [*child care expenses*] of the *Income Tax Act* (Canada) for that previous tax year with respect to the dependent child, to a maximum of \$3 000;
- (f) in relation to amounts received under the *Universal Child Care Benefit Act* (Canada),
 - (i) amounts that the eligible individual or the shared-income spouse included for that previous tax year under section 56 (6) [*universal child care benefit*] of the *Income Tax Act* (Canada),
 minus
 - (ii) any repayments that were deducted by the eligible individual or the shared-income spouse under section 60 (y) [*repayment of universal child care benefit*] of that Act for that previous tax year;
- (g) \$3 000 for each person in respect of whom the eligible individual or the shared-income spouse claimed a deduction under section 118.3 [*disability credit*] of the *Income Tax Act* (Canada) for the previous tax year.

Time limit for application

- 12** A qualifying low-income individual who wishes to apply to the grant administrator for a low-income grant supplement for a tax year must do so on or before December 31 of the subsequent tax year.

Additional conditions – application made in relevant tax year

- 13** (1) This section applies in relation to an application for a low-income grant supplement that is made in the relevant tax year.
- (2) In all cases, an applicant is not eligible for a low-income grant supplement if the applicant or the applicant's shared-income spouse has received a grant under section 2 of the Act, or is entitled to receive a benefit under section 7 (1) of the Act, for the relevant tax year with respect to property other than the relevant property.
- (3) In the case of an application by an eligible individual who is
- (a) the owner of an eligible residence under section 2 (1) of the Act, or
 - (b) an eligible occupant of another form of relevant property under section 3 (2), 4 (2) or 5 (2) of the Act,
- the individual must, on the date the application is made,

- (c) be permanently resident in British Columbia, and
 - (d) occupy the relevant property as his or her principal residence.
- (4) In the case of an application by an eligible individual who is the spouse or relative of a deceased owner within the meaning of section 2 (6) of the Act,
- (a) on the date of the owner's death, the individual must have occupied the relevant property as his or her principal residence, and
 - (b) on the date the application is made,
 - (i) the individual must be permanently resident in British Columbia,
 - (ii) the individual must continue to occupy the relevant property as his or her principal residence, and
 - (iii) the relevant property must be registered in a land title office in the name of the deceased owner, that owner's estate or the spouse or relative.
- (5) In the case of an application by an eligible individual who is the spouse or relative of a deceased occupant, whichever of the following requirements is applicable must be met on the date the application is made:
- (a) in the case of a spouse or relative within the meaning of section 3 (6) of the Act, the relevant property must continue to be an eligible apartment or eligible housing unit under that subsection;
 - (b) in the case of a spouse or relative within the meaning of section 4 (6) of the Act, the relevant property must continue to be an eligible land cooperative residence under that subsection;
 - (c) in the case of a spouse or relative within the meaning of section 5 (6) of the Act, the relevant property must continue to be an eligible multi dwelling leased parcel residence under that subsection.

Additional conditions – application made in subsequent tax year

- 14 (1) This section applies in relation to an application for a low-income grant supplement that is made in the subsequent tax year.
- (2) The requirements of section 13 apply in relation to the application as if the application had been made on December 31 of the relevant tax year.

Circumstances in which application must not be accepted

- 15 An application for a low-income grant supplement must not be accepted by the grant administrator if any of the following circumstances apply:
- (a) the application does not include information, documentary evidence or verification required by the grant administrator under section 18.1 (4) of the Act;
 - (b) the applicant or the applicant's shared-income spouse did not file a return of income under the *Income Tax Act* (Canada) for the previous tax year;
 - (c) the applicant qualifies for program assistance under the Whistler Agreement in respect of the relevant property for the relevant tax year and the net taxable residential value for school purposes of the relevant property

calculated under section 2 (3) (a) or (b), 3 (4), 4 (4) or 5 (4) of the Act is not greater than \$2 000 000.

Amount of the low-income grant supplement – category 1

- 16** (1) A category 1 applicant is a qualifying low-income individual for the relevant tax year who
- (a) satisfies all conditions of eligibility under the Act and this regulation, and
 - (b) has an adjusted net income for that tax year that does not exceed \$28 000.
- (2) Subject to section 18.1 (11) of the Act and section 18 of this regulation, a category 1 applicant is entitled to a low-income grant supplement for the relevant tax year in an amount equal to, as applicable,
- (a) the amount of the grant reduction described in section 2 (8) of the Act for the relevant tax year, or
 - (b) the amount of the reduction in the benefit described in section 7 (3) of the Act for the relevant tax year.

Amount of the low-income grant supplement – category 2

- 17** (1) A category 2 applicant is a qualifying low-income individual for the relevant tax year who
- (a) satisfies all conditions of eligibility under the Act and this regulation, and
 - (b) has an adjusted net income for that tax year that exceeds \$28 000 but does not exceed \$30 000.
- (2) Subject to section 18.1 (11) of the Act and section 18 of this regulation, a category 2 applicant is entitled to a low-income grant supplement for the relevant tax year in an amount equal to, as applicable,
- (a) one half the amount of the grant reduction described in section 2 (8) of the Act for the relevant tax year, or
 - (b) one half the amount of the reduction in the benefit described in section 7 (3) of the Act for the relevant tax year.

Limit on low-income grant supplement

- 18** An applicant is not eligible to receive a low-income grant supplement if the amount of the supplement would be less than \$25.

Reasons must be provided if decision against grant application

- 19** If the grant administrator
- (a) rejects or does not accept an application for a low-income grant supplement, or
 - (b) approves the application for an amount less than the amount for which the application was made,

the grant administrator must, within 30 days of making this determination, provide the applicant with the reasons for the determination.