


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 440

, Approved and Ordered

July 23, 2020

  
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) the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended as set out in the attached Appendix 1, and
- (b) the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended as set out in the attached Appendix 2.



Minister of Social Development and Poverty Reduction



Presiding Member of the Executive Council

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

**Authority under which Order is made:**

Act and section: *Employment and Assistance Act*, S.B.C. 2002, c. 40, s. 35;  
*Employment and Assistance for Persons with Disabilities Act*, S.B.C. 2002, c. 41, s. 26

Other: *O.C. 873/2002 and O.C. 874/2002*

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## APPENDIX 1

*1 The Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended in Part 1 by adding the following section:*

**Modifications in relation to COVID-19 emergency  
– reconsideration of decisions**

**2.5** (1) In this section:

**“affected decision”** means a decision

- (a) that may be reconsidered after a request made under section 17 (1) of the Act, and
- (b) that has a deadline for reconsideration that has been waived, suspended or extended as a result of the COVID-19 emergency;

**“COVID-19 emergency”** means the emergency that is the subject of

- (a) the notice provided on March 17, 2020 by the provincial health officer under section 52 (2) of the *Public Health Act*, and
- (b) the declaration of a state of emergency made on March 18, 2020, and any extension of that declaration, under section 9 of the *Emergency Program Act*;

**“requesting person”**, in respect of an affected decision, means a person who makes a request for reconsideration under section 17 (1) of the Act.

- (2) This section applies in the case of an affected decision in respect of which a requesting person has requested reconsideration under section 17 (1) of the Act.
- (3) Section 26 (2.01) is to be read as though the date a family unit became eligible for a supplement referred to in that subsection were the earliest of the following:
  - (a) the date referred to in section 26 (2.01) (a);
  - (b) the date referred to in section 26 (2.01) (b);
  - (c) the date that is 30 business days after the date the requesting person is notified of the affected decision.
- (4) Section 26 (3.01) is to be read as though the date a family unit became eligible to receive the income assistance referred to in that subsection were the earliest of the following:
  - (a) the date referred to in section 26 (3.01) (a);
  - (b) the date referred to in section 26 (3.01) (b);
  - (c) the date that is 30 business days after the date the requesting person is notified of the affected decision.

## APPENDIX 2

*1 The Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended in Part 1 by adding the following section:*

**Modifications in relation to COVID-19 emergency  
– reconsideration of decisions**

**2.05** (1) In this section:

**“affected decision”** means a decision

- (a) that may be reconsidered after a request made under section 16 (1) of the Act, and
- (b) that has a deadline for reconsideration that has been waived, suspended or extended as a result of the COVID-19 emergency;

**“COVID-19 emergency”** means the emergency that is the subject of

- (a) the notice provided on March 17, 2020 by the provincial health officer under section 52 (2) of the *Public Health Act*, and
- (b) the declaration of a state of emergency made on March 18, 2020, and any extension of that declaration, under section 9 of the *Emergency Program Act*;

**“requesting person”**, in respect of an affected decision, means a person who makes a request for reconsideration under section 16 (1) of the Act.

- (2) This section applies in the case of an affected decision in respect of which a requesting person has requested reconsideration under section 16 (1) of the Act.
- (3) Section 23 (3.01) is to be read as though the date a family unit became eligible for a supplement referred to in that subsection were the earliest of the following:
  - (a) the date referred to in section 23 (3.01) (a);
  - (b) the date referred to in section 23 (3.01) (b);
  - (c) the date that is 30 business days after the date the requesting person is notified of the affected decision.
- (4) Section 23 (3.11) is to be read as though the date a family unit became eligible to receive the disability assistance referred to in that subsection were the earliest of the following:
  - (a) the date referred to in section 23 (3.11) (a);
  - (b) the date referred to in section 23 (3.11) (b);
  - (c) the date that is 30 business days after the date the requesting person is notified of the affected decision.