

RURAL MUNICIPALITY OF MORRIS

BY-LAW NO. 1290/84

BEING a By-law of the Rural Municipality of Morris to provide for the granting of Municipal Assistance to persons in need.

WHEREAS The Municipal Act, R.S.M. 1970, requires each municipality to provide, by By-law, for the granting of municipal assistance to persons in need and for the regulating and prescribing of conditions thereof;

AND WHEREAS The Social Allowances Act, R.S.M. 1970, requires a municipality to pass a By-law in accordance with the provisions of the said Act in order to qualify for payments by the Province of Manitoba to the municipality respecting assistance to persons in need;

AND WHEREAS it is expedient to authorize certain officers of the municipality to grant assistance in accordance with the standards hereinafter prescribed;

THEREFORE BE IT NOW ENACTED as a By-law of the Rural Municipality of Morris as follows:

1. DEFINITIONS

Whenever used in this By-law, unless the context otherwise requires:

- (a) Assistance - means aid in any form to or in respect of a person in need, for the purpose of providing basic necessities, services and care;
- (b) Authorized Officer - means that person or persons designated by a resolution of Council to administer assistance under this by-law;
- (c) Municipality - means the Rural Municipality of Morris;
- (d) Council - means the Council of the Rural Municipality of Morris;
- (e) Financial Resources - means, with the exception of exemptions specified in this By-law, one or more of the following:
 - (i) All the real and personal property of an applicant, a recipient or a dependant of the applicant or recipient, including the net income from any such property.
 - (ii) Allowances, pensions, insurance benefits, and income from business farming or any other source received by an applicant, recipient or a dependant of the applicant or recipient.
 - (iii) Gifts and gratuities whether in cash or in kind received by an applicant, recipient or a dependant of the applicant or recipient on a one time basis or otherwise.
 - (iv) The value attributed by the authorized officer to free shelter, free board or free lodging, received by an applicant, recipient or a dependant of the applicant or recipient.
- (f) Person in Need - means a person, 18 years of age or over, who resides in or is found in the municipality who is not in receipt of social allowance under The Social Allowances Act and who is in need of assistance within the meaning of The Social Allowances Act;
- (g) Reasonable Employment - means remuneration that the person to whom it is offered can reasonably perform, having regard to its physical and technical demands and that complies with the minimum requirement of the applicable labour laws of Manitoba;
- (h) Resident - as defined in The Municipal Act, R.S.M. 1970.

2. APPLICATION FOR ASSISTANCE

A person in need who applies to the authorized shall:

- (a) make written application in such prescribed form as provided by the authorized officer;
- (b) provide such information and evidence in support of his or her application as may be required by the authorized officer to determine his or her eligibility for allowance;
- (c) upon request by the authorized officer, to give written authorization for release of information by any person, bank, financial institution or any government department or agency respecting the financial, medical or other circumstances of the applicant

3. ELIGIBILITY

- 1) In determining whether an applicant is eligible to receive assistance the authorized officer shall take into account, according to the circumstances and needs of the applicant, the total cost of the basic necessities of the applicant and his dependants, from which he shall deduct the financial resources of the applicant and his dependants; and if the cost of the basic necessities is in excess of the financial resources he may give assistance.
- 2) A recipient shall not be considered a person in need and shall not be eligible for further assistance in the event that he or she has refused or terminated employment without just cause, unless in the discretion of the authorized officer exceptional circumstances exist permitting the granting of assistance.

4. IRREGULAR UNION

Where a man and a woman who are not legally married to each other are living together under circumstances that indicate to the authorized officer that they are living together as if they were married to each other, they shall, for the purpose of this By-law, be considered as legally married to one another and any application by either or both of them for assistance shall be dealt with in every respect as though they were married to one another.

5. GRANTING OF ASSISTANCE

- 1) The authorized officer(s) shall give assistance to or in respect of persons in need who are:
 - (a) legal residents of the municipality and
 - (b) non-residents of the municipality in cases where either the Government of Manitoba or the Government of Canada assumes responsibility for the costs thereof;

in accordance with the rates set out in Schedule "A" hereto attached
- 2) Where a person is working, but the financial resources are less than the standards set out in Schedule "A", the authorized officer may furnish such person with the difference between the financial resources and rates indicated in Schedule "A".
- 3) When a recipient commences employment and assistance is continued until receipt of the first pay cheque; or when an employed person applies for assistance to cover that period from the commencement of employment to receipt of the first pay cheque; or when a person has applied for unemployment insurance benefits and requires assistance pending receipt of such benefits, the authorized officer may, at his discretion, recover those monies paid by:
 - (a) requesting such a person to sign a Wage Assignment in the form prescribed;
 - (b) requesting such a person to sign an Assignment of Benefits in the form prescribed.

5. 4) In special or unusual circumstances, the authorized officer may grant assistance at a rate different to that set out in Schedule "A" that will provide such things, goods and services as may, in his discretion, be essential to the maintenance of the health, well-being and rehabilitation of recipients.
- 5) Where the Council of the Rural Municipality of Morris feels that the rates set out in Schedule "A" are not adequate to meet the needs of applicant, Council may grant the authorized officers of the municipality permission to increase the rates to an amount not to exceed 80% of those rates set by the Province of Manitoba under the Social Allowances Act.

6. FINANCIAL RESOURCES - EXCLUSIONS

The following shall be excluded from the calculation of the financial resources of an applicant or recipient for the purpose of determining eligibility for assistance:

- a) Monetary gifts in the amount of \$25.00 or less;
 - b) Contributions other than ordinary maintenance to an applicant or recipient or dependants who require special care;
 - c) Cash surrender value of life insurance policies up to a maximum of two thousand dollars;
 - d) Equity in the home in which the applicant or recipient resides;
 - e) Basic stock herd on a farm;
 - f) Seed for next year's crop;
 - g) Essential equipment to carry on farming or business operations;
 - h) Personal property essential to the health and well being of the applicant or recipient and his dependants, including household furnishings and personal clothing;
 - i) For funeral and burial expenses in the case of a recipient who, at the date of enrollment has attained the age of 65 years, a funeral plan up to \$1,000.00 paid one year prior to application for assistance.
 - j) A \$50.00 per month exemption on earned income of employed recipient which exemption includes provision for normal transportation requirements. Special exemptions for work clothes, day care, etc. may be granted at the discretion of the authorized officer. The authorized officer shall exempt from earned income, amounts deducted by an employer for income tax, unemployment insurance, group insurance, hospitalization, pension or union dues, or any similar items beyond the control of the applicant or recipient.
7. All assets on hand at the death of an applicant or recipient shall be deemed to be available for funeral expenses.

8. CONTINUING ELIGIBILITY

As conditions of continuing eligibility, each applicant and recipient is required:

- (a) to register with Canada Manpower and to continue to actively seek employment or job training assistance through Manpower and other sources;
- (b) in the case of a recipient who is not a child, to accept reasonable employment or vocational training necessary to improve or restore his capacity to support himself and his dependants;
- (c) to make application for unemployment insurance benefits if employed at any time in the past fifty-two weeks;
- (d) to make application for any benefits which may be available under any Act of the Province of Manitoba or the Government of Canada, or from any other source;

8. (e) to report to the authorized officer changes of circumstances as required for adjustment of assistance;
- (f) to use the assistance for the basic necessities and in the best interests of himself and his dependants;
- (g) to inform the authorized officer of any plans to convert property assets and to obtain his approval of the plan before acting upon it

Where the requirements of Section 8 are not met, assistance may be administered, reduced or cancelled at the discretion of the authorized officer.

9. Each recipient's circumstances shall be reviewed by the authorized officer periodically and not less than annually; and assistance shall be adjusted accordingly.

10. AUTHORIZED OFFICER MAY DISCONTINUE OR VARY AMOUNT OF ASSISTANCE

- 1) Where, on the basis of information received by him, the authorized officer is of the opinion that the assistance payable to a recipient should be discontinued or that the amount thereof should be reduced or increased, he may discontinue, reduce or increase assistance accordingly.
- 2) The authorized officer shall notify an applicant or recipient in writing of any decision which denies, cancels, suspends, withholds or reduces assistance, setting forth the grounds for such decision, and shall advise the applicant, recipient, or person, as the case may be, that he has the right under The Social Allowances Act to appeal the decision to the appeal board and the right to be represented on appeal by counsel of his choice.

11. RIGHT OF APPEAL

- 1) An applicant or a recipient or a person who has applied for or is or was receiving assistance from the municipality may appeal to the Appeal Board established under The Social Allowances Act where he feels his treatment was unfair because:
 - (a) he was not allowed to apply or re-apply for assistance;
 - (b) his request for assistance or increase in assistance was not decided upon within a reasonable time;
 - (c) his application for assistance was denied;
 - (d) his assistance was cancelled, suspended, varied or withheld; or
 - (e) the amount of assistance granted is insufficient to meet his needs.
- 2) A person who receives a notice under Section 10 and who desires to appeal a decision for any of the reasons set out in subsection (1), may, within 15 days after receiving the notice, file a written notice of appeal with the appeal board setting out the grounds of the appeal.
- 3) Section 9 of The Social Allowances Act applies in respect to all appeals initiated under this By-law.

12. ASSISTANCE A DEBT OWING THE MUNICIPALITY

In accordance with Section 444 of The Municipal Act, the cost of maintenance or assistance provided by the municipality is a debt due

- (a) by the person to or for whom, or on whose behalf, the maintenance or assistance is provided; and
- (b) by the spouse of that person; and
- (c) if that person is an infant, by his parent or guardian,

and it may be recovered as such by action of a court of competent jurisdiction.

13. RECOVERY FROM PERSON LIABLE FOR MAINTENANCE

Where the municipality has provided or paid assistance to or for a person, if the assistance or any part thereof would not have been provided or paid except for the neglect or failure of another person to comply with any law or the order of any court requiring that other person to maintain or to contribute toward the maintenance of the person to or for whom the assistance or any part thereof was provided or paid, the municipality may recover from that other person, or his executors or administrators, the amount of that assistance or any part thereof, up to the total amount that the other person neglected or failed to provide or pay, as a debt due and owing from that other person to the municipality.

14. REGISTRATION OF LIENS

1) Where

- (a) a debt becomes due and owing from a person to the Municipality under Sections 12 or 13; or
- (b) the Municipality has made any payment to or for a person to cover
 - (i) the principal and interest instalments or any portion thereof, under a real property mortgage or an agreement for sale of land;
 - (ii) real property taxes; or
 - (iii) the cost of repairs;

the Municipality may cause to be registered in any land titles office in the province a statement certifying the amount of the debt, payment or assistance, as the case may be, and in the statement the Municipality shall name the person and, except the case of a debt due and owing under section 13, may also name the spouse of the person and, if the person is an infant, his parent.

2) From the time of its registration, a statement registered under subsection (1) binds and forms a lien a charge in favor of the Municipality on all the estate or interest in any land of the person or persons named in the statement, for the amount certified in the statement and the amount of

- (a) any debt that subsequently becomes due and owing from the person to the Municipality under Section 12, but, in the case of a debt under Section 13, not in excess of the limit prescribed in that section; or
- (b) any payment of a kind described in clause (1) (b) subsequently made by the Municipality to or for the person, or
- (c) any assistance subsequently provided or paid by the Municipality to or for a person in the circumstances described in clause (1) as the case may be.

3) A statement submitted for registration under subsection (1) shall be registered on its mere production, without any affidavit of execution.

4) A lien and charge created by the registration of a statement under subsection (1) may be realized in the same manner as if it were a mortgage on land executed by the owner of the land.

5) A lien and charge created by the registration of a statement under subsection (1) may be discharged on such terms as may be prescribed by Council, by the registration in the same office where the statement is registered of a discharge executed by the Municipality.

15. OFFENCE AND PENALTY

(1) Every person

- (a) who makes a false statement in any form, application, record or return prescribed or required by this By-law; or

15. (1) (b) who fails to inform the authorized officer of a material change in circumstances affecting his entitlement to assistance within 30 days of the commencement of the change;

is guilty of an offence and is liable on summary conviction to a not exceeding \$400.00 or to imprisonment not exceeding 3 months or to both such fine and imprisonment.

- (2) Where a judge or justice finds a person guilty of an offence under subsection (1) he may, in addition to any penalty imposed under subsection (1) order the person to repay to the municipality any moneys obtained by that person by reason of the commission of the offence.
- (3) Where moneys are ordered to be paid under subsection (2), the authorized officer may file or cause to be filed, a certified copy thereof, in the county court or Court of Queen's Bench as the case may require, of the district in which the cause of complaint arose or in which the person against whom the order was made resides; and thereupon the order shall be deemed to be, and enforceable as, a judgement of the court in which it is filed in favor of the municipality.
- (4) Notwithstanding anything in this By-law, or in any Act of the Province of Manitoba or the Government of Canada, no information or complaint in respect of an offence under this section shall be laid or made after the expiration of four years from the time when the matter or cause giving rise to the information or complaint arose.

16. FILING OF RETURN WITH THE PROVINCE


The clerk of the municipality shall file a monthly return with the Minister responsible for the administration of The Social Allowances Act, in a form prescribed by the minister, showing the cost of municipal assistance provided by the municipality in that month and such other information as may be required.

17. That this by-law shall supercede any preceeding by-laws of the municipality where there may be a duplication.

DONE AND PASSED this 9th day of August 19 84.



Reeve



Secretary-Treasurer.

This is Schedule "A" attached to
and forming part of By-law No. 1290/84
of the Rural Municipality of Morris.

For the purposes of this By-law, the basic necessities and the cost of
the basic necessities are as follows:

(a) For Food, but subject to Note 1 of this clause:

(i) Each Adult	\$ 72.40 per month
(ii) Each person 12 to 17 years of age	\$ 81.10 per month
(iii) Each person 7 to 11 years of age	\$ 64.90 per month
(iv) Each person from birth to 6 years of age	\$ 54.40 per month

NOTE 1 Where the household unit consists of
three or less beneficiaries, the
following additions shall be made:

(v) For a single person	\$ 14.60 per month
(vi) For each of two persons	\$ 7.90 per month
(vii) For each of three persons	\$ 3.40 per month

(b) For Clothing, but subject to Notes 1 and 2 of this clause:

(i) Each adult	\$ 19.80 per month
(ii) Each person 12 to 17 years of age	\$ 25.30 per month
(iii) Each person from 7 to 11 years of age ..	\$ 16.80 per month
(iv) Each person from birth to 6 years of age ..	\$ 16.80 per month

NOTE 1 Each child not living with his own family,
the actual cost as required and authorized
by the municipality.

NOTE 2 For each employed adult an amount of \$14.10
per month may be added.

(c) For Personal Needs for adult recipients:

(i) When the household consists of more than one beneficiary	\$ 24.90 per month
(ii) When the household consists of a single beneficiary	\$ 33.60 per month
(iii) For a patient in hospital or other prescribed institute	\$ 16.90 per month

(d) For Household Supplies:

(i) For each household unit	\$ 6.70 per month
(ii) For each person in a household unit after the first	\$ 2.20 per month

(e) For Shelter, but subject to Notes 1 and 2 of this clause:

- (i) Up to the actual rent at the discretion of the authorized
Officer, taking into account individual circumstances.
- (ii) Actual rent in housing in respect of which a licence has
been issued under The Elderly and Infirm Persons' Housing Act.

NOTE 1 Home upkeep in lieu of rent for recipients who
own or who are purchasing their home may be paid
as follows:

- (iii) Current taxes and insurance at the actual cost.
- (iv) Minor repairs up to \$200.00 in any fiscal year.
- (v) Principal and interest on mortgage or agreement for sale.

NOTE 2 Principal on mortgage or agreement for sale,
major repairs and tax arrears granted as special
needs under clause (h) of this section shall be
secured by a lien registered under section 14
of this By-law.

(f) For Utilities and Fuel, but subject to Note 1 of this clause:

Water, light, fuel and rentals or installment payments on essential appliances (furnace, hot water tank, etc.). For each household unit where these items are not included in the rent, the estimated monthly cost based on actual expenditures for the last previous twelve months but where circumstances have changed so that this estimate is not valid, the estimated actual cost for the next twelve months may be used.

NOTE 1 Allowable grants may be paid in amount and at intervals appropriate to the circumstances of the case.

(g) For Food and Shelter away from home:

(i) Board and room general:

(A) In home or relative
single person Actual cost up to \$144.00 per month

(B) In private boarding home
single person Actual cost up to \$188.00 per month

NOTE 1 For a couple, add \$111.00 per month.

(ii) Board and Room special for persons requiring care or supervision or both:

(A) In home of relative
single person Actual cost up to \$223.00 per month

(B) In private boarding home
single person Actual cost up to \$285.00 per month

NOTE 2 (i) For a couple where one requires
special care, add \$78.00 per month.

(ii) For a couple where both require
special care add \$155.00 per month.

(C) Single persons whose living arrangement requires restaurant meals, may be granted up to \$154.00 per month plus actual cost of room in lieu of room and board.

(D) Children's boarding rates-- foster home and institutional rates as approved by the municipality.

(E) Maintenance in a licensed institution for care of the aged and infirm -- per diem rate approved by authorized governmental authority.

NOTE 3 In exceptional circumstances, the municipality may approve the payment of actual costs in excess of the maximum stated in A to D above.

(F) Maintenance of a recipient of social allowances in a mental health residential care home at the levels of care as established by the Director of Psychiatric Services at the rates up to but not in excess of \$278.00 per month; but a recipient in a mental health residential care home operated by a relative of the recipient is eligible for allowance under sub subclause (A); and in that case, no further allowance for board and room under this sub subclause shall be paid to the recipient.

(h) For Special Needs:

(i) Up to \$120.00 per household in any fiscal year. An additional amount may be granted with the approval of the municipality.

(ii) Expenses essential to the employment of a recipient.

(i) For housekeeper or attendant service during illness or other emergency as required.

- (j) For Health Care:
- (i) Essential medical and surgical care.
 - (ii) Essential optical supplies including eyeglasses where a duly qualified medical practitioner has certified that there is no systemic or ocular disease of the eye.
 - (iii) Such essential dental care including dentures as may be agreed upon from time to time between the Minister and The Manitoba Dental Association and the Minister and The Manitoba Dental Mechanics Association and the representatives of the Rural Municipality of Morris agreeing to such work and expense.
 - (iv) Such essential drugs as may be prescribed by a duly qualified medical practitioner.
 - (v) Such other remedial care, treatment and attention including physiotherapy as may be prescribed by a duly qualified medical practitioner.
 - (vi) For chiropractic treatment, the municipality may authorize up to \$80.00 per recipient per year in excess of the coverage provided by the Manitoba Health Services Commission before requiring consultation with a duly qualified medical practitioner.
 - (vii) Such emergency transportation and other expenses as may be authorized by the municipality and that, in their/his opinion, are necessary to provide the care, treatment or attention required.
 - (viii) Such other rehabilitative treatment or care as the municipality may authorize.