

<b>Act/Regulations</b> <b>Reg 1(1)(w),</b> <b>4(4), 4(6),</b> <b>5(1)</b>	<b>Section</b>	<b>Social Programs</b>	<b>7</b>
	<b>Program</b>	<b>Social Assistance</b>	<b>13</b>
	<b>Instructions</b>	<b>COHABITATION</b>	<b>3-2</b>
<b>Effective: November 2, 1995</b>	<b>Authorized by:</b>		<b>Page:</b> <b>1 of 3</b>
<b>Revised: November 1, 2007</b>	<b>Director of Social Assistance</b>		

## **PURPOSE**

1. To verify family living arrangements for the purpose of determining eligibility.

## **PRINCIPLE**

2. Spouse, by definition, includes persons not legally married but living together as a couple, therefore being recognized as cohabiting. This definition includes same-sex couples.
3. Couples living together shall not receive a financial advantage over married persons by denying the existence of such a relationship.
4. A decision to grant, reduce, suspend or refuse assistance is to be based on an assessment of income/expenses of both partners.

## **POLICY**

5. Persons living together as apparent spouses shall make a joint application for Social Assistance, including income and allowable expenses of both partners, regardless of the length or stability of the relationship.
6. Where the applicant denies cohabitation, even though his/her living arrangement invites such a conclusion from the community, it may be necessary to seek information or additional verification as part of the application or review process (Regulation 4(4)).
7. Where evidence concludes that cohabitation exists, the responsibility to disprove the alleged relationship rests with the applicant. In order to establish eligibility, the applicant is required to provide information that the alleged relationship does not exist. If the applicant is unable to disprove the relationship, assistance shall be reduced, refused or terminated.
8. Where evidence is unclear that cohabitation exists, the applicant may be required to swear an affidavit (Reg 4 (6) (b) denying the existence of the alleged relationship.

<b>Act/Regulations</b> <b>Reg 1(1)(w),</b> <b>4(4), 4(6),</b> <b>5(1)</b>	<b>Section</b>	<b>Social Programs</b>	<b>7</b>
	<b>Program</b>	<b>Social Assistance</b>	<b>13</b>
	<b>Instructions</b>	<b>COHABITATION</b>	<b>3-2</b>
<b>Effective: November 2, 1995</b>	<b>Authorized by:</b>		<b>Page:</b>
<b>Revised: November 1, 2007</b>	<b>Director of Social Assistance</b>		<b>2 of 3</b>

9. If an applicant refuses to sign the appropriate "release," "verification" or "affidavit" forms required to establish eligibility, assistance shall be refused or terminated.

### **PROCEDURE**

10. Where it is necessary to verify the information, a "Release of Confidential Information" or a "Verification of Assets" form signed by the applicant shall be obtained.

11. In situations where there appears to be some evidence of the "intent to defraud" refer to Instruction 7-5 (Prosecutions).

12. Information that may be helpful indicators in verifying the existence, or non-existence, of cohabitation can come from many sources, including:-

(a) **Familial**

- The couple occupy the same premises;
- The couple is known or recognized in the neighbourhood or community-at-large as a family unit;
- Documents, such as leases, are titled or signed jointly;
- Utilities are registered and paid in such a manner as to be consistent with a family relationship;
- Mail is addressed to both parties and is received at the couple's address;
- The couple is known by public authorities as partners;
- The couple is known by professional practitioners, e.g., doctors, optometrist, as a family unit;
- School records of children show the couple as the parents;
- Insurance (life, health, etc) gives recognition to the relationship as one normally associated with marriage;
- Birth records or other records record the couple as Husband and Wife or a family unit; and
- Contractual recognition of a spousal relationship, such as a cohabitation contract.

<b>Act/Regulations</b> <b>Reg 1(1)(w),</b> <b>4(4), 4(6),</b> <b>5(1)</b>	<b>Section</b>	<b>Social Programs</b>	<b>7</b>
	<b>Program</b>	<b>Social Assistance</b>	<b>13</b>
	<b>Instructions</b>	<b>COHABITATION</b>	<b>3-2</b>
<b>Effective: November 2, 1995</b>	<b>Authorized by:</b>		<b>Page:</b>
<b>Revised: November 1, 2007</b>	<b>Director of Social Assistance</b>		<b>3 of 3</b>

(b) Social

- Acknowledgement on the part of either party to a family relationship;
- The couple is invited and accepts invitations as Mr. and Mrs., or generally as a couple, and are recognized at these social gatherings as a family unit;
- The couple attends church or benevolent organizations and their related functions as a family unit;
- Vacation as a couple; and
- Sign as Mr. and Mrs.

(c) Economic

- Tendering of credit, i.e., one party can purchase goods and services in the name of the other;
- Joint bank accounts and pooling of other financial resources;
- One partner assumes totally (or partially) costs of all rent/taxes, services and other necessities of life for the other partner and dependant children.
- Income tax records showing joint filing, dependencies, or common addresses, etc.

(d) Other

- Public records, e.g., motor vehicle and driver's license, licensing commission, provide the same address for both individuals. Licensing history for one or both show common addresses and periods of common occupancy; and
- The couple is listed as husband and wife (Mr. and Mrs.) on voters' lists, assessment rolls, etc.

The examples given in the foregoing by no means exhaust all the indicators that might be used singly or collectively in assessing whether a person is cohabiting with another person. They do, however, suggest a broad range which will assist in complying with the requirements of Paragraph 6. Keep in mind that the focus of these indicators is the establishment of the fact of co-habitation, not the genders, legal status or length of the relationship of the parties involved.

**CROSS REFERENCE**

- 3-14 Change in Circumstances
- 7-5 Prosecutions