
Repayment Agreements

General Principle

In addition to repayments that result from client or office-initiated overpayments, repayment agreements must be signed as described below. For circumstances that require repayment of benefits received under hardship assistance, see Chapter 7, Hardship Assistance.

Policy

Repayment agreements may be waived by the Band Social Development Worker (BSDW) in cases where the client has been the victim of family violence, and where the pursuit of repayment would result in the client being placed at risk of further family violence.

A debt cannot be transferred from one file to another.

A repayment agreement is in effect, and recovery will continue until such time as the funds are repaid in full.

Repayments

A repayment agreement is a contract between the administering authority and the client, where the client acknowledges the debt and agrees to commence to repay that debt, and the deduction amount is included in the agreement. An obligation to repay assistance arises in three ways:

1. Where assistance has been issued, and the client has subsequently been deemed ineligible due to non-disclosure of information, false representation, or error.
2. When a client is issued repayable categories of hardship assistance (see Chapter 7, Hardship Assistance).
3. Where a repayable benefit has been issued.

Hardship Assistance

A repayment agreement is to be completed each time a repayable category of hardship assistance is issued.

A repayment agreement is to be completed when the file is converted to regular social assistance benefits or disability benefits.

Monthly deductions will commence, or full repayment of the debt will be obtained, when the client is no longer receiving hardship assistance.

Non-repayable hardship benefits are identified in Chapter 7, Hardship Assistance.

Awaiting Other Benefits

Where a client is granted hardship assistance benefits while awaiting receipt of benefits or settlements from Old Age Security, Workers Compensation Board, Canada Pension Plan, the Department of Veteran's Affairs, the Insurance Corporation of British Columbia, or Employment Insurance benefits, the administering authority shall require the client to sign a repayment agreement.

Recovery shall occur as soon as the benefits or settlements are received.

Repayment agreements shall only be signed if the anticipated benefit is retroactive to any period for which social assistance benefits are paid.

Lost or Stolen, Unendorsed Child Benefit Cheque

To issue a repayable advance if an unendorsed Child Benefits cheque has been lost or stolen with the maximum amount of the advance being limited to that portion attributed to the BC Family Bonus and National Child Benefit Supplement only.

- The client is to be directed to contact the local Canada Customs and Revenue Agency (CCRA) office and apply for a replacement Child Benefits cheque.
- A recoverable amount of up to the maximum value of the family bonus portion (NCBS plus BCFB) of the unendorsed lost cheque for the eligible children in the family unit may be issued to meet the basic needs of the family.
- No replacement is issued for a client who refuses to pursue a replacement through CCRA.
- The BSDW must complete, and have the recipient sign, a repayment agreement for the amount issued in accordance with the above.
- The recipient must be notified that the entire amount is to be recovered from the next month's social assistance entitlement. If not fully recovered, the balance will be recovered from subsequent social assistance entitlement or must be repaid by the recipient.
- There is no replacement for a lost or stolen Child Benefits cheque attributed to a child for whom **Children Out of the Parental Home Assistance** are being paid.

Lost or Stolen Social Assistance Cheques or Supplier Cheques

Where a social assistance client reports an **unendorsed**, social assistance cheque or supplier cheque has been lost, stolen or not received.

- There is no replacement for lost social assistance cheque that has been endorsed by the payee (client).
- BSDWs must place a stop payment on endorsed cheques that are lost, although no replacement will be issued.
- Lost or stolen social assistance cheques should not be replaced prior to the date noted on the cheque issued.
- Lost or stolen social assistance cheques should not be replaced until two days after the loss or theft is reported. The BSDW may wave the two-day waiting period if it is determined that the recipient would suffer hardship.
- Supplier cheques reported lost or stolen by the recipient must not be stopped or replaced unless the signature of the supplier can be obtained. Confirmation in writing from the supplier (e.g., BC Hydro), indicating that they have not received the cheque, will suffice to support a replacement cheque and/or stop-payment for a lost/stolen cheque.
- In the situations to avoid undue hardship to a new supplier the BSDW may issue a cheque to a new supplier before the original cheque made out to the previous supplier has been recovered.
- The BSDW must ensure the following is completed:
 - Have client sign declaration that states the cheque has been lost or stolen and was endorsed or unendorsed.
 - Check the status of the cheque as being cashed or not through the administering authorities Finance department or local bank.
 - If the cheque has **not** been cashed:
 - issue a replacement cheque, and
 - issue a stop payment on the missing cheque.
 - If the cheque has been cashed:
 - If the client is suspected of cashing the cheque the BSDW must request a copy of the client's signature from the back of the cheque and compare signatures.
 - If the BSDW is satisfied that the client did not cash the cheque, a replacement cheque may be issued.
 - If the BSDW is not satisfied that the client did not cash the cheque then no replacement can be made until the cheque has been recovered.

- If the client admits to the BSDW at a later date that he or she endorsed or cashed the cheque, after receiving a replacement cheque from the BSDW, the BSDW must complete a repayment agreement with the client.
- The recipient must be notified that the entire amount is to be recovered from the next month's social assistance entitlement. If not fully recovered, the balance will be recovered from subsequent social assistance entitlement.