

DIRECTIVE #3.3: CO-RESIDENCY

LEGISLATIVE AUTHORITY

Sections 1, 45, 84 and 86 of Regulation 134/98.

AUDIT REQUIREMENTS

The amount of assistance issued is reflective of an applicant or participant's budgetary needs as determined by spousal or co-residence status.

Adequate documentation is in the file to support decisions regarding co-residency, including a completed *Co-resident Questionnaire* for all applicants or participants who reside with another person and do not declare the co-resident as a spouse.

If a spousal relationship has been determined, the spouse of the applicant or participant is included in the benefit unit for determining eligibility.

In non-spousal relationships, the date of co-residence is noted and reviewed annually, and required reviews are completed and documented.

APPLICATION OF POLICY

If an applicant or participant has been living with another adult (other than a close relative) for three consecutive months and has not declared the co-resident as a spouse, an assessment of the relationship must take place to determine if the applicant or participant and the co-resident have a spousal relationship.

If an applicant or participant has been living with another adult for less than three consecutive months, the case should be flagged and brought forward at the three month period for assessment of the relationship.

When undertaking an assessment, staff must:

- explain the spousal criteria;
- provide the *Information Sheet for Applicants and Recipients who Are Living with Another Adult*; and
- complete the *Questionnaire for Applicants and Recipients who are Living with Another Adult* (Form 2764).

The applicant or participant is required to provide information about the financial, social and family-like aspects of the relationship to determine if the relationship

between the two adults amounts to a spousal relationship or is a co-resident situation. Sexual factors are not investigated or considered.

If the Administrator determines that the co-resident is not a spouse, the date of the co-residence determination should be noted and the situation reviewed annually. The applicant or participant remains eligible for assistance as a single person or sole-support parent and an amount for shelter is provided accordingly (see Directive #6.3: Shelter for more information).

If the applicant or participant and the co-resident are determined to be in a spousal relationship, the applicant or participant is ineligible as a single person or sole-support parent, and a letter of ineligibility is issued. The effective date of ineligibility as a single person would be the month in which a determination of spousal status is made. However, if the spouse is added to the benefit unit, the combined income and assets of the applicant or participant and the spouse are considered when determining eligibility for assistance.

Where a sole-support parent is found to be in a spousal relationship and both adults wish to apply for assistance, or where two participants who were receiving Ontario Works as single persons wish to reapply as a benefit unit, it is up to the couple to determine who they wish to have as head of household.

The person who is chosen as the head of the household should not be an applicant or participant who has a history of family violence or misuse of family finances.

In determining the spousal status of co-residents, the confidentiality of an applicant or participant's personal information must be upheld. Staff must be sensitive to how co-residents may characterize their relationships and their privacy concerns.

Determination of Co-Residency

An applicant or participant is co-residing with another person if he or she shares the accommodation with that person, rooms or boards with that person, or provides room and board to that person. A declaration by the applicant or participant that he or she lives with another person constitutes sufficient evidence of co-residency.

Where an applicant or participant declares that he or she resides alone, and the Administrator has reason to believe that another person co-resides with the applicant or participant (e.g. based on a suspicion, complaint, documentation, etc.), an investigation should be undertaken. All evidence gathered from an investigation should be of an objective nature to support a determination of eligibility.

The following sources of information may be used in determining co-residence:

- statement from the landlord that the person lives in the applicant's or participant's dwelling or is listed on the lease;
- confirmation from a First Nation's Housing Department;
- driver's license history;
- vehicle registration;
- employment records;
- credit checks;
- registry office records;
- voters' lists or enumeration; or
- telephone directory (i.e. a common telephone number).

Determination of Spousal Status

To determine if the co-resident of an applicant or participant meets the definition of a spouse, the following criteria are considered:

- financial interdependence;
- social interdependence; and
- familial circumstances.

All three factors must be present to determine that the co-residents are spouses.

Financial Interdependence

In assessing financial interdependence to determine if a spousal relationship exists, the following financial circumstances should be considered:

- joint parentage of a child of the applicant or participant (natural, adoptive or legal obligation to support);
- jointly owned accommodation;

- joint First Nations Residency Agreement;
- joint financial agreements (e.g. loans);
- jointly owned bank account, credit card, debt, pension, savings, investments, real estate, business, or other assets;
- jointly owned motor vehicle or joint motor vehicle insurance;
- evidence that financial support is given between co-residents;
- evidence that money or other assets are given or loaned between co-residents;
- evidence that the co-resident has claimed the applicant or participant, or any children, for employee benefits (e.g. dental or drug) or for tax purposes; or
- joint contributions toward the cost of necessities, shelter or services (e.g. utilities, telephone, cable.).

Financial interdependence between co-residents may also be indirect. There may be payments made on the other's behalf or access to services and use of goods owned or paid for in whole or in part by the other party.

Social Interdependence and Familial Circumstances

For social interdependence and familial circumstances to indicate a spousal relationship there should be a pattern of social and familial interdependence between co-residents. The following situations may indicate social and familial relationships:

- legal marriage;
- acknowledgement by either party of a spousal relationship;
- an insurance policy, RRSP account, tax return, will or other legal document (e.g. power of attorney) that gives recognition to the relationship;
- the couple is known by public authorities as a couple (e.g. law enforcement, school authorities);
- mail arriving in the household is jointly addressed;
- arrangements for sharing household chores, groceries or meals;

- receipt and acceptance of invitations as a couple and recognition at these social gatherings as a couple;
- the provision of care when a co-resident is ill;
- a pattern of previous co-residency (e.g. at a previous address);
- a co-resident's child is known by the other co-resident's surname;
- a co-resident's child regards or refers to the other co-resident as a parent;
- public or community organizations, or professional service providers regard both co-residents as having guardianship, responsibility for, or authority over children in the household; or
- the co-residents share child-care or other parenting responsibilities.

Absent Spouse

Persons who are in a spousal relationship, where one spouse is temporarily absent from the residence, must meet all the conditions of eligibility (e.g. meeting participation requirements, reporting the spouse's income, etc.). In these situations, the spousal relationship shall be considered continuous despite the temporary absence, unless the Administrator is satisfied there has been a breakdown in the relationship with no reasonable prospect of reconciliation.

Exemption from Spousal Status

Co-residents are not to be determined spouses where an applicant or participant co-resides with a close relative such as: a parent, step-parent, grandparent, uncle, aunt, son, daughter, step-son, step-daughter, sibling, grandchild, niece, or nephew.

Completing the Questionnaire for Applicants and Recipients who are Living with Another Adult (Form 2764)

Prior to the completion of the Questionnaire, the caseworker will review the *Information Sheet* with the applicant or participant. The applicant or participant will sign the *Information Sheet* as an indication that they understand the contents and have been provided with a copy of the *Information Sheet*.

The Questionnaire is used in all cases of co-residency where an applicant or participant is living with another adult for at least three consecutive months and

has not declared the other adult as a spouse. This includes situations where an applicant or participant is residing with an ex-spouse.

The Questionnaire is filled out by the caseworker and the applicant or participant. Verification of the information may be required where appropriate.

There is no correct number of questions that must be answered. Each situation is assessed individually and explanations provided by the applicant or participant should be considered when completing the Questionnaire. For example, living with an individual with a disability may explain any financial and social interdependence of the co-residents.

The Questionnaire has three parts: part 1 provides an initial screen; part 2 examines financial factors; and part 3 examines social and familial factors.

Part 1 is completed in all cases where two adults have been living together for at least three consecutive months and have not declared themselves to be spouses or have not been confirmed as close relatives. If the applicant or participant indicates that he or she is the spouse of the co-resident, there is a support obligation, or together they are the parents of a child, only part 1 is completed. The relationship is determined to be spousal.

Part 2 contains a series of financial questions to assist in assessing whether the financial aspects of the relationship between the two adults living together are spousal. Part 2 is completed if the response to part 1 does not indicate that a spousal relationship exists. If the responses to part 2 indicate that a spousal relationship does **not** exist, only part 2 is completed and there is no need to proceed to part 3 of the Questionnaire. As such, the applicant or participant is determined to be a single person or sole-support parent.

Part 3 contains a series of questions to assist in assessing whether the social and familial aspects of the relationship are spousal. Part 3 of the Questionnaire is completed **only** if the responses to part 2 indicate that a spousal relationship may exist. If the responses to part 3 indicate that the social and familial aspects of the relationship do **not** appear to be spousal, the applicant or participant is considered as a single person or sole-support parent.

A determination of a spousal relationship based on the responses to Part 2 and Part 3 of the Questionnaire should only be made if all of the financial, social and familial aspects of the relationship indicate that the applicant or participant and his or her co-resident are spouses. Financial interdependence alone is not sufficient to indicate a spousal relationship.