

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Jivalian v. Nova Scotia (Community Services)*, 2013 NSCA 2

**Date:** 20130103

**Docket:** CA 375179

**Registry:** Halifax

**Between:**

Hamparsoum Jivalian

Appellant

v.

Department of Community Services (Nova Scotia)

Respondent

---

**Judge:** The Honourable Justice Joel E. Fichaud

**Appeal Heard:** October 11, 2012, in Halifax, Nova Scotia

**Subject:** Income assistance - “chargeable income” within the  
*Regulations* under the *Employment Support and Income Assistance Act*

**Summary:** Mr. Jivalian received both income assistance from the provincial Department of Community Services and also a caregiver allowance from the provincial Department of Health to assist the care of his disabled son. The Department of Community Services classified the caregiver allowance as “chargeable income” under the *Employment Support and Income Assistance Regulations* further to the *Employment Support and Income Assistance Act*, S.N.S. 2000, c. 27, which would reduce Mr. Jivalian’s income assistance. Mr. Jivalian appealed to the Assistance Appeal Board. The Board upheld the Department’s view. The Supreme Court of Nova Scotia dismissed Mr. Jivalian’s application for judicial review. Mr. Jivalian appealed to the Court of Appeal.

**Issue:** Did the judge of the Supreme Court err by dismissing the application for judicial review from the decision of the Board?

**Result:** The standard of review to the decision of the Board was reasonableness. The Board's conclusion, that the caregiver allowance was "chargeable income" under the *Regulations* as they then existed, was not unreasonable. The Court of Appeal dismissed the appeal.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 15 pages.**