

Date: 20040427
Docket: SH 202556
Registry: Halifax

Between:

Shaunderay Clyke

Applicant

v.

Minister of Community Services

Respondent

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Judge: The Honourable Justice Suzanne M. Hood

Heard: November 19, 2003 in Halifax

Written Decision: April 27, 2004

Subject: Certiorari; social assistance; authority to delegate; power to discriminate;
s. 15(1) *Charter*

Summary: Shaunderay Clyke is a single parent with three young children who is attending university. She was denied income assistance under the *Employment Support and Income Assistance Act*, S.N.S. 2000, c.27 and her appeal was also denied. She claims that Regulation 67(1) of the *Employment Support and Income Assistance Act* is invalid in that it prevents a university student from receiving social assistance benefits.

Issue:

- 1) Does the *Employment Support and Income Assistance Act* authorize the delegation of a power to create Regulation 67(1)?
- 2) Does the *Employment Support and Income Assistance Act* authorize a regulation like Regulation 67(1) which is discriminatory?
- 3) Does Regulation 67(1) infringe s. 15(1) of the *Canadian Charter of Rights and Freedoms*?

Result:

- 1) The *Employment Support and Income Assistance Act* authorizes the delegation of the power to enact Regulation 67(1); it is not invalid;
- 2) Regulation 67(1) does not create the distinction and is not discriminatory;
- 3) Regulation 67(1) does not infringe s. 15(1) of the *Charter of Rights and Freedoms*.