Definitions for War Veterans Allowance Program

Issuing Authority: .
Effective Date: 2 February 2012
Document ID: 996

The following words, phrases and definitions are relevant to the administration of the War Veterans Allowance Act and/or Part XI of the Civilian War-related Benefits Act.

Actual Income

Actual Income means income information which confirms or revises a statement of shown income.

Adjudication

Adjudication means any decision, determination, refusal or award pertaining to the War Veterans Allowance.

Administrative Error

Administrative Error refers to any error that causes an overpayment, the cause of which cannot reasonably be attributed to the recipient.

Assessable Income

Assessable Income means the income to be considered when determining the rate of allowance payable. It is identified under section 2 of the Old Age Security Act and section 7 of the *War Veterans Allowance Act*.

Allied Ship

Allied Ship means a ship, other than a Canadian ship or a ship serving the enemy, and includes a ship that belonged to a government of an enemy-occupied country, or to a person resident in an enemy-occupied country, and that was placed under Canadian or allied control.

Allied Veteran

Allied Veteran means any former member of

- (a) any of His Majesty's forces, or
- (b) any of the forces, other than resistance groups, of any of His Majesty's allies, or
- (c) any of the forces, other than resistance groups, of any power associated with His Majesty in World War I, or
- (d) any of the forces that took part in the Korean War who was domiciled in Canada at the time when he or she joined that force; or at any time while a member of that force; and

- (e) served in a theatre of actual war during World War I or World War II,
- (f) served in a theatre of operations during the Korean War,
- (g) is in receipt of a pension for disability under the Pension Act in respect of service during World War I or World War II as those wars are defined in that Act, or
- (h) has accepted a commuted pension in respect of service described in paragraph (g), or
- (i) is, after death, declared to have been eligible for, or awarded, a pension described in paragraph (g), or
- (j) served in the United Kingdom during World War I.

An allied veteran is also any former member of any of His Majesty's forces, or of any of the forces, other than resistance groups, of any of His Majesty's allies in World War II, who served during that war, who resided in Canada for a total period of at least 10 years beginning on or after August 15, 1945, who has been honourably discharged or has been permitted honourably to resign or retire from one of those forces and who

- (a) served in a theatre of actual war during that war;
- (b) is in receipt of a pension for an injury or disease incurred or aggravated during service in any such force during that war or is declared to have been eligible for, or awarded, such a pension subsequent to their death; or
- (c) has accepted a commuted pension.

An allied veteran is also any former member of any of the forces that took part in the Korean War and who served during that war, who resided in Canada for a total period of at least 10 years beginning on or after July 27, 1953, who has been honourably discharged or has been permitted honourably to resign or retire from one of those forces and who served in a theatre of operations during that war.

Allowance

Allowance is a payment, made under the *War Veterans Allowance Act*, to eligible veterans including their dependants and survivors, and includes civilians and their dependants and survivors who qualify under Part XI of the *Civilian War-related Benefits Act*.

Base Calendar Year

Base Calendar Year means the calendar year immediately preceding the current payment period. For example, if the current payment period is July 1, 2011 to June 30, 2012, the Base Calendar Year is 2010.

Base Calendar Year Income

Base Calendar Year Income means the income received in the Base Calendar Year, excluding Current Monthly Benefits.

Blind

Blind - a person is considered to be blind if the visual acuity in both eyes with proper refractive lenses is 20 / 200 (6 / 60) or less with Snellen Chart or equivalent, or if the greatest diameter of the field of vision in both eyes is less than 20 degrees. The diameter of the field of vision is to be determined by the use of:

- (a) a tangent screen at a distance of 1 metre using a 10 millimetre while moving a white test object; or

- (b) a perimeter at a distance of 1 / 3 of a metre using a 3 millimetre while moving a white test object.

Board

Board means the Veterans Review and Appeal Board established by section 4 of the Veterans Review and Appeal Board Act.

Canadian Veteran of World War I or World War II

Canadian Veteran of World War I or World War II is any former member of His Majesty's Canadian Forces

- (a) who
    - i. having enlisted and having the enlistment attested, served in a theatre of actual war during World War I or World War II and was discharged from the service in which he or she was enlisted,
    - ii. is in receipt of a pension for disability under the *Pension Act* in respect of service during World War I or World War II as those wars are defined in that Act,
    - iii. has accepted a commuted pension in respect of service described in subparagraph (ii.) above, or
    - iv. is, after death, declared to have been eligible for, or awarded, a pension described in subparagraph (ii.) above; or
- (b) who served in the United Kingdom during World War I.

Canadian Forces Veteran

Canadian Forces Veteran means a person who

- (a) as a member of the forces referred to in section 14 of the National Defence Act, left Canada or the United States, including Alaska, at any time prior to July 27, 1953 to participate in military operations undertaken by the United Nations to restore peace in the Republic of Korea; or
- (b) is in receipt of a pension under the *Pension Act*, or is declared o have been eligible for, or awarded, a pension under the *Pension Act*after the member's death, having become eligible for that pension by virtue of
    - i. service as a member of the special force, as that force is defined in subsection 3(1) of that Act, or
    - ii. service in the Korean War, as that service is defined in subsection 3(1) of that Act.

Canadian Ship

Canadian Ship means a ship of Canadian registry or license or a ship registered or licensed in Newfoundland and Labrador, but does not include a ship under bareboat charter to any charterer resident outside Canada or Newfoundland and Labrador or a ship engaged in the fishing industry.

Casual Earnings Exemption

Casual Earnings Exemption means the portion of income from employment, self-employment or property rental received by a recipient and/or the recipient's spouse/common-law partner that does not exceed the limits

specified in Section 16 of the Veterans Allowance Regulations.

Child

Child means:

- (a) a child of a veteran; or
- (b) a child of a veteran's survivor who, having been a recipient, marries and
    - i. whose spouse of that marriage dies; or
    - ii. whose marriage dissolves or ends in legal separation; or
- (c) a child of a veteran's survivor who, having been a recipient, acquires a common-law partner, and
    - i. whose common-law partner dies, or
    - ii. who ceases to cohabit with that common-law partner

and includes, an adopted child or a foster child of a veteran and a child, an adopted child or foster child of a veteran's spouse or common-law partner.

Civilian

Civilian means a person described in subsection 56(1) of the *Civilian War-related Benefits Act*, namely:

- (a) a person who served at sea in a ship of Canadian or Newfoundland registry during World War I or World War II for a period of at least six months, and made at least one trip through dangerous waters during that period of service;
- (b) a Canadian citizen, a Canadian national, or a British subject domiciled in Newfoundland at the commencement of his/her qualifying service who served at sea during World War I or World War II for a period of at least six months in a ship of United Kingdom registry or the registry of one of the countries allied or associated with His Majesty in either of those wars, and, during that period of service made at least one trip through dangerous waters;
- (c) a Canadian citizen who served at sea in a ship of another country allied or associated with the United Nations during United Nations military operations in Korea for a period of at least six months, and during that period of service served at least twenty-eight days on such a ship within dangerous waters off the coast of Korea;
- (d) a person who was a member of the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom and served in a theatre of actual war during World War II;
- (e) a person who was a Canadian member of the Voluntary Aid Detachment of the British Red Cross during World War I and served in a theatre of actual war during World War I;
- (f) a person who, during World War II, served in a theatre of war under the auspices of the Canadian Red Cross Society or the St. John Ambulance Brigade of Canada, as welfare workers, nursing aids, ambulance or transport drivers, members of Overseas Headquarters Staff, or in any other capacity; or were selected by the Canadian Red Cross Society and served with the Scottish Ministry of Health as orthopaedic nurses or surgeons; or served outside Canada during the Korean War in a capacity similar to above;
- (g) a person who was a civilian member of Ferry Command and served in a theatre of actual war during World War II as air crew with Number 45 Wing of the Royal Air Force Transport Command, Number 45 Group of the Royal Air Force Ferry Command or the Atlantic Ferrying Organization;

- (h) a person who was a member of the Newfoundland Overseas Forestry Unit and served in a theatre of actual war during World War II, engaged in cutting pit props for coal production in the United Kingdom; or
- (i) a person who is in receipt of a pension under Parts I to X of the *Civilian War-related Benefits Act* or is declared to have been eligible for, or awarded, such a pension subsequent to the person's death.

Civilian Merchant Seaman

Civilian Merchant Seaman means a person described in the policy on Civilian Merchant Seamen.

Class of Recipient

Class of Recipient is the term used to describe the different categories of recipients as provided for within the Schedule of the *War Veterans Allowance Act*.

Common-law Partner

Common-law Partner in relation to an individual, means a person who is cohabiting with the individual, of either the same or opposite sex, at the relevant time in a conjugal relationship, having so cohabited for a period of at least one year. For greater certainty,

- (a) in the case of an individual's death, the "relevant time" means the time of that death; and,
- (b) common-law partners cease to be common-law partners when they cease to cohabit.

Commuted Pension

Commuted Pension means a final payment under the Pension Act in lieu of annual pension in respect of a disability rated at five per cent or more of total disability, or a similar final payment under the laws relating to the forces with which the veteran served.

Consumer Price Index

Consumer Price Index means an inflationary indicator that measures the change in the cost of a fixed basket of products and services, including housing, electricity, food, and transportation. The average of the Consumer Price Index for Canada, as published by Statistics Canada under the authority of the Statistics Act, is used to calculate the quarterly adjustment of the maximum Allowance rates.

Current Monthly Benefits

Current Monthly Benefits means

- (a) benefits payable under the *Old Age Security Act*;
- (b) benefits payable under the *Pension Act*, excluding Attendance Allowances, Clothing Allowances, and monies paid on behalf of dependent children;
- (c) benefits payable under the *Civilian War-related Benefits Act* (Part I to X);

- (d) benefits payable under the *Halifax Relief Commission Pension Continuation Act*;
- (e) benefits payable as foreign war-related disability pensions; and
- (f) compassionate pensions, allowances or supplementary awards under section 34 of the *Veterans Review and Appeal Board Act*.

These incomes are not included in calculations involving either Base Calendar Year or estimated "option" income.

Dangerous Waters

Dangerous Waters means such oceans, seas or waters as the Veterans Review and Appeal Board, established by the *Veterans Review And Appeal Board Act*, may prescribe.

Deemed Base Calendar Year

Deemed Base Calendar Year means the period for which a client estimates income for "option" purposes. This period commences on the first day of the month in which a loss, reduction or increase in income occurs, and ends on the following June 30th.

Deemed Base Calendar Year Income

Deemed Base Calendar Year Income means the estimated annual income for the current calendar year. Income from interest, dividends, capital gains, and income which is received irregularly such as that from self-employment will be estimated for the whole of the current payment period. For all other types of income, the estimated income for the month following the month in which the reduction occurred will be multiplied by 12 to give the estimated annual amount.

Department

Department means the Department of Veterans Affairs.

Dependent Child

Dependent Child means:

- (a) a child who has no spouse or common-law partner and is
    - i. under age 18;
    - ii. under age 25 and making satisfactory progress in an approved course;
    - iii. under age 21 and physically or mentally incapable of earning a living; or
    - iv. over age 21 and incapable of earning a living where the incapacity occurred before age 21, and after age 21 and before age 25 while making satisfactory progress in an approved course of instruction; or,
- (b) a child described in paragraphs (i) to (iv) above who is married or has a common-law partner, and is financially dependent on the recipient.

Distressed Mariner

Distressed Mariner means a person who was in distress in a place outside Canada or Newfoundland, having been shipwrecked, discharged or left behind from a ship on which the person was engaged, and who received or was entitled to receive relief under

- (a) the *Distressed Seamen Regulations*; or
- (b) Order in council P.C. 8592 of November 9, 1943.

Domicile

Domicile means the place in which a person has their home, or in which the person resides or returns to as a place of permanent abode but does not mean the place where the person resides for a special or temporary purpose.

Foreign Voyage

Foreign Voyage means a voyage from or to any place outside the area of a home-trade voyage.

Home-trade Voyage

Home-trade Voyage means a voyage between places in Canada, Newfoundland and Labrador, the United States or Saint Pierre and Miquelon, in the course of which the ship did not go south of 36° North latitude or through the Bering Strait.

Income

Income means income as described in section 2 of the Old Age Security Act except that,

- (a) there shall be included in income any payment made to the person or the person's spouse or common-law partner, if any, in the year under
    - i. the Flying Accidents Compensation Regulations ,
    - ii. the Royal Canadian Mounted Police Superannuation Act,
    - iii. section 22 of the Corrections and Conditional Release Act ,
    - iv. the Royal Canadian Mounted Police Pension Continuation Act ;
- (b) there shall not be included in income of the person for that year
    - i. casual earnings as prescribed in section 16 of the Veterans Allowance Regulations,
    - ii. interest income as prescribed in section 16.1 of the *Veterans Allowance Regulations*,
    - iii. any amount paid as an attendance allowance under any law that provides compensation to workers injured in the course of their employment, in respect of the person or the person's spouse or common-law partner, if any, or the person's survivor or orphan, or
    - iv. any amount paid by reason of a decoration for gallantry to the person or the person's spouse or common-law partner, if any, or the person's survivor or orphan;
- (c) business losses and capital losses shall be taken into account in the year in which those losses occurred;

- (d) dividend income shall be taken into account on the basis of the actual amount of the dividend; and
- (e) paragraph (d) of the definition "income" in section 2 of the Old Age Security Act does not apply.

Interest Exemption

Interest Exemption means that portion of interest income received by a recipient and/or received by a recipient and/or the recipient's spouse/common-law partner that does not exceed the limits specified in Section 16.1 of the Veterans Allowance.

Korean War

Korean War means the military operations undertaken by the United Nations to restore peace in the Republic of Korea during the period from June 25, 1950 to July 27, 1953 inclusive.

Married or Common-law Equivalent

Married or Common-law Equivalent refers to the allowance payment, at the rate for a couple, in cases where there is no spouse or common-law partner but there is a dependent child. For example, a survivor who has a dependent child may be paid at the rate for a couple.

Merchant Navy Veteran

Merchant Navy Veteran means as described in the policy on Merchant Navy Veterans.

Monthly Allowance Ceiling

Monthly Allowance Ceiling means the sum obtained by subtracting the monthly amount of Base Calendar Year Income from the Monthly Income Factor.

Monthly Allowance Payable

Monthly Allowance Payable means the sum obtained by subtracting Current Monthly Benefits from the Monthly Allowance Ceiling. (More commonly known as the allowance entitlement for the month.)

Monthly Income Factor

Monthly Income Factor means the guaranteed monthly income specified in the Schedule to the *War Veterans Allowance Act*.

Net Income

Net Income means gross income less allowable deductions under Division B of the Income Tax Act; (income before applying allowable WVA income exemptions).

Orphan

Orphan means:

- (a) a child whose parents have died; or
- (b) a child who survives the death of one parent and is abandoned by the surviving parent; or
- (c) a child of divorced, separated, or parents who are neither spouses nor common-law partners of each other, and who is bereft by the death of a parent who, at the time of death was receiving an additional allowance for that child, and the child is not considered to be a child of any other recipient, who is:
    - (i) under age 18;
    - (ii) under age 25 and making satisfactory progress in an approved course;
    - (iii) under age 21 and physically or mentally incapable of earning a living; or
    - (iv) over age 21 and incapable of earning a living where the incapacity occurred before age 21, or after age 21 and before age 25 while making satisfactory progress in an approved course of instruction.

Option

Option is the term used to describe a situation where a client has experienced a loss or reduction in income. If their circumstances meet the criteria, the client's Allowance payment will be based on this reduced assessed income rather than the Base Calendar Year Income.

Option Client

Option Client is a client whose rate of Allowance is determined by estimated income for a Deemed Base Calendar Year, plus Current Monthly Benefits, if any.

Overpayment

Overpayment refers to any allowance payment, provided to a recipient, which is either greater than the amount of entitlement or for which there is no entitlement.

Parent

Parent includes an adoptive or foster-parent, and a parent's spouse or common-law partner on whose death the child is considered an orphan, even though the child's natural parent may still be living.

Payment Period

Payment Period means

- (a) before April 1, 1998, the fiscal year;
- (b) the fifteen-month period that begins on April 1, 1998, and ends on June 30, 1999; and

- (c) after June 30, 1999, the twelve-month period that begins on July 1 of one year and ends on June 30 of the next year.

Payment Quarter

Payment Quarter means a period of three months commencing on the first day of July October, January or April in any payment period.

Recipient

Recipient means any person to whom or on whose behalf payment of an allowance is authorized under the *War Veterans Allowance Act*.

Recovery

Recovery refers to the collection of an overpayment.

Remission

Remission refers to the act of forgiving, in whole or in part, an overpayment; the result of which being that the overpayment ceases to exist.

Resistance Group

Resistance Group means any force that was raised during World War I or, World War II in a country after it was occupied by an enemy of His Majesty in that War and that operated against that enemy.

Service at Sea

Service at Sea is service in a ship which normally sailed or operated outside the territorial waters of all countries during World War I or World War II.

Ship

Ship is a vessel engaged in trade or the transportation of cargo or passengers or taken over and operated by the British Admiralty but excluding a ship engaged in fishing.

Special Award

Special Award is a discretionary benefit that may be provided immediately following a veteran's or a spouse's or common-law partner’s death, in which the married rate of allowance remains available for a period of twelve months. Similarly, a special award may also be provided for one year upon the death of a child for whom the recipient was receiving a spousal equivalent rate.

Spousal Equivalent Status

Spousal Equivalent Status means the status by virtue of which an unmarried Veteran or a surviving spouse or surviving common-law partner who has a dependent child is entitled to an allowance equal to the married rate in respect of that child.

Statement of Income Form (VAC1481)

Statement of Income Form (VAC1481) means the form on which the client reports income for the Base Calendar Year.

Statement of Estimated Income Form (VAC1482)

Statement of Estimated Income Form (VAC1482) means the form on which the client reports estimated income for option purposes.

Surviving Common-law Partner

Surviving Common-law Partner excludes, for greater certainty, a person who, at the time of the individual's death, was a former common-law partner of that individual.

Surviving Spouse

Surviving Spouse excludes, for greater certainty, a person who, at the time of the individual's death, was a divorced spouse of that individual.

Surviving Spouse of Allied Veteran

Surviving Spouse of Allied Veteran means a "survivor" who has resided in Canada for a total period of at least 10 years and who was the spouse or common-law partner of an Allied Veteran at the time of the Allied Veteran’s death and the Allied Veteran:

- (a) died after October 13, 2008;
- (b) was, at the time of death, a resident in Canada; and
- (c) was, at the time of death, an individual described in subsection 37(4.1) or (4.2) even if they had not resided in Canada for a total period of at least 10 years, but only if the total of the time they resided in Canada prior to their death and the time that has elapsed since their death is at least 10 years.

Limitation: a spouse or common-law partner is the surviving spouse of an Allied Veteran described in paragraph 37(4)(d.1) or subsection 37(4.1) or (4.2) of the *War Veterans Allowance Act* only if that allied veteran died after October 13, 2008.

Survivor

Survivor means

- (a) a surviving spouse or surviving common-law partner of that individual, who is not a veteran and who has not remarried or married, as the case may be, or acquired a subsequent common-law partner,
- (b) a surviving spouse or surviving common-law partner of that individual, who is not a veteran, who has remarried or married, as the case may be, and whose spouse of that marriage dies or whose marriage ends in dissolution or legal separation, and
- (c) a surviving spouse or surviving common-law partner of that individual, who is not a veteran, who has acquired a subsequent common-law partner and whose subsequent common-law partner dies or who ceases to cohabit with that common-law partner.

Territorial waters of Canada

Territorial waters of Canada means all waters within three nautical miles of any of the coasts, bays, creeks or harbours of Canada and Newfoundland and Labrador, not included within the limits specified and described in the first article of the convention between His Majesty King George III and the United States, and includes all waters that, pursuant to Order in Council P.C. 3139 of December 18, 1937, were delimited as Canadian territorial waters, but does not include:

- (a) the waters of the St. Lawrence River seaward from a line drawn due south across that river from the mouth of the Saguenay River; or
- (b) the waters of the Strait of Juan de Fuca westward beyond 124° 30' West longitude.

Theatre of Actual War

Theatre of Actual War (in the case of World War II) means

- (a) with respect to a former member of His Majesty's Canadian forces or a merchant navy veteran of World War II, any place where the person has been on service involving duties performed outside the Western Hemisphere, including
    - i. service involving duties performed outside Canada, Newfoundland, the United States, Saint Pierre and Miquelon and the territorial waters thereof in aircraft, and
    - ii. service anywhere in a ship or other vessel, which service is classed as "sea time" for the purpose of advancement of naval ratings, or which would be so classed were the ship or other vessel in the service of the naval forces of Canada, and
- (b) With respect to a former member of His Majesty's forces other than His Majesty's Canadian forces, or of any of the forces of His Majesty's Allies or powers associated with His majesty in World War II, such places, zones or areas as the Board may prescribe. Over the course of its existence, the Board (and its predecessors) prescribed the following areas as theatres of actual war during World War II, both for members of His Majesty's forces, and the forces of His Majesty's Allies who served on or after the date on which their respective countries declared war.
    - i. The continent of Europe (including the British Isles), the Union of Soviet Socialist Republics (as described during the time of the Second World War), Egypt, Cyrenaica, Lybia, Tripolitania, Iraq, Persia, Palestine, Sinai, Syria, Lebanon, Tunisia, Morocco, Algeria;
    - ii. and outside the territorial waters of all countries
        - (i) from 1 September 1939 to 31 May 1940: on the Atlantic Ocean including UK waters and the North Sea, the Baltic, the Arctic Ocean between Greenland and longitude 70 degrees East

and that part of the Indian Ocean lying south of 15 degrees South and West of 55 degrees East;

- (ii) from 1 June 1940 to 8 May 1945: anywhere at sea; and
- (iii) from 9 May 1940 to 15 August 1945: the Pacific Ocean including the South China Sea, the Bay of Bengal as far south as the equator, and that part of the Indian Ocean lying east of longitude 110 degrees East, and including the southward offshore waters of the Sunda Islands, to include, in all cases, the gulfs, bays and inlets of the waters referred to.
- (iv) from 8 December 1941 to 15 August 1945: the whole of Ceylon, the part of Australia north of latitude 21 degrees South, the Philippines and New Guinea, and the Netherlands East Indies;
- (v) from 1 December 1941 to 15 Ausut 1945: all of Burma, and all of Hong Kong;
- (vi) from 1 September 1939 to 8 May 1945: the whole of Cyprus.

Theatre of Operations (Korea)

Theatre of Operations (Korea) means the continental territory of Korea, including adjoining sea areas and corresponding air spaces, in which the war was conducted.

World War I

World War I means the war waged by the German Emperor and His Allies against His Majesty and His Majesty's Allies which, for WVA purposes, is deemed to have commenced on August 4, 1914, and terminated on November 11, 1918, (Civilian War-related Benefits Act) or August 31, 1921, (War Veterans Allowance Act).

World War II

World War II means the war waged by His Majesty and His Majesty's Allies against Germany and Germany's Allies which, for WVA purposes, is deemed to have commenced on September 1, 1939, and terminated on May 8, 1945, for the European and Mediterranean Theatres, and on August 15, 1945, for the Pacific Theatre.

Write-off

Write-off refers to the act of removing an overpayment from the active accounts, but does not preclude the right to recover the debt if the client’s financial circumstances later improve.

NOTE: The above World War definitions are used only for WVA purposes. These dates should not be confused with those used in the Pension Act or those used in the Veterans Health Care Regulations.