

Court of King's Bench of Alberta

Citation: Uhrum v Alberta (Director for the Assured Income for the Severely Handicapped) 2026 ABKB 481

Date: 20260630
Docket: 2503 24546
Registry: Edmonton

Between:

Jacqueline G. Uhrum

Applicant

- and -

Director for the Assured Income for the Severely Handicapped

Respondent

- and -

Minister of Assisted Living and Social Services

Respondent

**Reasons for Decision
of the
Honourable Justice K.H. Oviatt**

Overview

[1] This is a judicial review of a decision denying a request for extension of time to appeal the start date for benefits under the Assured Income for the Severely Handicapped (AISH) benefit program.

[2] The Applicant, Jacqueline Uhrum, started receiving AISH benefits on August 1, 1996. Approximately 28 years later, she applied for an extension of time to appeal that start date. On July 7, 2025, a delegate of the Minister of Assisted Living and Social Services (the “Ministerial Delegate”) denied Ms. Uhrum’s request for an extension of time to appeal (the “Decision”). This is the Decision under judicial review.

[3] For the reasons that follow, the application for judicial review is dismissed.

Issues

[4] The issues in this judicial review are:

1. Is the new affidavit evidence admissible in the judicial review?
2. Was the Decision unreasonable in denying a 28-year extension of the appeal period because the Ministerial Delegate found that:
 - a. Ms. Uhrum received notice of the initial decision and the right to appeal; and/or
 - b. Ms. Uhrum did not provide a reasonable explanation for the delay?

Preliminary Issue: New Evidence

[5] Ms. Uhrum filed multiple affidavits in the judicial review proceeding. These affidavits included argument, information that was already in the certified record like the Decision, and records attempting to supplement the evidentiary record on the merits.

[6] Although Rule 3.22 of the *Alberta Rules of Court*, Alta Reg 124/2010 permits the court to consider both the certified record of proceedings and any other evidence it permits, the general rule is that new evidence is not permitted on judicial review: ***Alberta Liquor Store Association v. Alberta (Gaming and Liquor Commission)***, 2006 ABQB 904 [***Alberta Liquor Store***] at para 42 ***Métis Nation of Alberta Association Fort McMurray Métis Local Council 1935 v Alberta***, 2021 ABQB 282 at para 88; ***Gowrishankar v JK***, 2019 ABCA 316 [***Gowrishankar***] at para 60; ***Northern Air Charters (PR) Inc v Alberta Health Services***, 2023 ABCA 114 at paras 8 and 12 [***Northern Air***].

[7] This rule reflects the nature of judicial review. Judicial review is a review of the decision of the original decision maker based on the record that was before it: ***Gowrishankar*** at para 60. It is not a rehearing. The Court does not decide the case anew or make fresh findings; instead, it assesses whether the decision was reasonable and procedurally fair. Unlike a *de novo* hearing, the Court does not usually receive new evidence or make its own findings.

[8] There are exceptions to this general rule. The traditional exceptions were set out by this Court in ***Alberta Liquor Store*** at para 41 and confirmed by the Alberta Court of Appeal in ***Northern Air*** at para 9:

- (a) to show bias or a reasonable apprehension of bias, where the facts in support of the allegation do not appear on the record;
- (b) to demonstrate breaches of the rules of natural justice which are not apparent from the record;

- (c) to provide background information for other issues such as standing; or
- (d) to address situations when the administrative decision maker makes no record, or an inadequate record.

[9] This is not a closed list: see for example ***Bergman v Innisfree***, 2020 ABQB 661 at para 46.

[10] None of the traditional exceptions apply here, nor do the circumstances give rise to a different exception. The portions of the affidavits that were not argument or otherwise already part of the certified record are all records that Ms. Uhrum had available at the time of her request for an extension and are an attempt to supplement the evidentiary record after the Decision.

[11] The new evidence is not admissible on judicial review.

Merits

Standard of Review

[12] Reasonableness is the presumptive standard of review for administrative decisions and it applies here: ***Canada (Minister of Citizenship and Immigration) v Vavilov***, 2019 SCC 65 [Vavilov] at para 30.

[13] This deferential standard “respects the principle of legislative supremacy and the choice made to delegate decision making to a tribunal, rather than the courts”: ***Edmonton (City) v. Edmonton East (Capilano) Shopping Centres Ltd.***, 2016 SCC 47 para 22.

[14] In applying the reasonableness standard of review the reviewing court does not:

- decide the issues itself;
- ask what decision it would have made in place of the administrative decision maker;
- attempt to ascertain the range of possible conclusions that would have been open to the decision maker; or
- conduct a *de novo* analysis or seek to determine the correct solution to the problem.

Instead the court must:

- only consider whether the decision, including both the rationale and the outcome, was unreasonable.

Vavilov at para 83

[15] The central question in this judicial review is whether the Decision to deny the extension request of approximately 28 years was unreasonable.

Notice of Initial Decision and Right to Appeal

[16] AISH benefits are provided under the *Assured Income for the Severely Handicapped Act*, SA 2006, c A-45.1 (the “Act”). The Act is designed to provide financial assistance to individuals with severe disabilities who are unable to earn a sustainable income. The primary purpose of the legislation is to ensure that eligible individuals receive benefits like living allowances, personal benefits, child benefits, and health benefits to support their living conditions.

[17] The Act establishes a director who the Minister designates for the purposes of the Act (the “Director”). The Director may provide benefits to eligible persons under section 3 of the Act. The Act then allows certain kinds of Director’s decisions to be appealed to an appeal panel within 30 days of being notified of the decision itself and the right of appeal.

[18] Ms. Uhrum did not recall receiving the notice of the initial decision or her right to appeal, and stated she only learned of the right to appeal in 2024, shortly before filing her notice of appeal and requesting an extension to the appeal period.

[19] The evidence before the Ministerial Delegate included the following uncontested facts about Ms. Uhrum’s initial applications for benefits:

- Ms. Uhrum received income support, but not specifically AISH benefits, between 1992 and 1996.
- The AISH Director received Ms. Uhrum’s application for AISH benefits on May 3, 1996.
- After an assessment of eligibility, Ms. Uhrum started receiving AISH benefits on August 1, 1996.
- The AISH Director’s records include a notation that on her 1996 application, Ms. Uhrum indicated that she had previously applied for AISH benefits four years prior.
- The AISH Director does not retain records back to 1992 and does not have records about an application before 1996.
- An application form dated May 5, 1999 was in the record. Ms. Uhrum signed that document, which included a declaration that “I understand that I have the right to appeal a decision within 30 days of being told of the decision.”

[20] The initial decisions in 1992 and 1996, including any formal notice of the right to appeal were not before the Ministerial Delegate. This, Ms. Uhrum argued, suggested she never received notice of the initial decision, either in 1992 or 1996, or the right to appeal her commencement date. The Ministerial Delegate disagreed and observed:

The AISH program shared that the Appellant has maintained ongoing contact with AISH staff and supervisors since first receiving benefit[s] in 1996. During this time, they have not indicated their intention to appeal their commencement date.

[21] I cannot find anything unreasonable about this conclusion. While normally clear evidence of the communication of the initial decision and the right to appeal to trigger the 30-day appeal period should be included in the record, it appears that was not possible due to the significant passage of time. Nevertheless, it is clear on the record that at least since May 1999, Ms. Uhrum had notice of her right to appeal the Director’s decisions within 30 days. The record also supports that Ms. Uhrum had ongoing communication with the AISH Director’s office and participated in at least one appeal in the relevant period.

[22] The Ministerial Designate’s acceptance that Ms. Uhrum had notice of both the decision and the right to appeal around the time of the initial decisions was not unreasonable in these circumstances and the overall context.

Reasonable Grounds for an Extension

[23] Although there is a 30-day appeal period, section 10(4) of the Act permits the Minister to extend the time for appeal if “there are apparent grounds of appeal and a reasonable explanation for the delay”. That discretion was not included in the Act prior to 2006 or 2007. Accordingly, it is not clear whether the Ministerial Delegate even had authority to grant the extension about decisions made in 1992 and 1996.

[24] Even if there was authority to grant an extension, I agree with the AISH Director that the Decision to decline to extend the time for appeal was reasonable in the circumstances.

[25] The Ministerial Delegate accepted there were apparent grounds of appeal but dismissed the request for an extension because there was no reasonable explanation for the delay of approximately 28 years.

[26] Ms. Uhrum’s stated reasons for not appealing sooner included:

- caring for elderly relatives and friends with cancer for approximately 12 years;
- assisting her mother for several months following a serious injury; and
- having “a lot of other matters to deal with for awhile”.

[27] The record also indicates that Ms. Uhrum lives with a significant mental disability. I recognize that living with a mental disability, particularly in acute phases of symptoms, can present real barriers to accessing legal processes and may justify extending the appeal period in some cases. However, the evidence in this case does not support an extension of nearly three decades, or over 10,000 days on a 30-day appeal period.

[28] The 30-day time limit to appeal reflects the legislature’s intent to resolve matters efficiently and ensure finality. At the same time, the discretion to extend the appeal period recognizes the harsh consequences that can flow if the time limit is applied strictly to vulnerable people attempting to access AISH benefits.

[29] Any extension under that discretion should weigh the legislature’s intentions to proceed efficiently and to have finality with fairness in the overall circumstances. The longer the delay, the more compelling the reasons for an extension will have to be. It is difficult to conceive of any circumstances where a delay of almost 3 decades will be appropriate when there is presumptively a 30-day appeal period.

[30] The Decision reasonably concluded that no sufficient grounds existed to extend the appeal period.

Conclusion

[31] Looking at the Decision as a whole, including the reasons and the conclusion, the Decision was reasonable. On the preliminary issue of new evidence and on the merits, I direct as follows:

1. Ms. Uhrum’s application for new evidence is dismissed.
2. Ms. Uhrum’s application for judicial review is dismissed.

[32] The AISH Director is entitled to costs under Rule 10.29 of the *Alberta Rules of Court*, subject to the Court's discretion. If the AISH Director intends to seek costs, they should write to me within one week of the date of this decision, in submissions no longer than 2 pages. Ms. Uhrum may make reply submissions to a maximum of 2 pages within 1 week of receiving the AISH Director's submissions on costs.

Heard on the 25th day of June, 2026.

Dated at the City of Edmonton, Alberta this 30th day of June, 2026.

K.H. Oviatt
J.C.K.B.A.

Appearances:

Jacqueline G. Uhrum
Self-Represented Litigant

Sean McDonough
for the Director for the Assured Income for the Severely Handicapped

Kate L. Hurlburt, KC
for Alberta (Minister of Assisted Living and Social Services)