

PART C – Decision under Appeal

The decision under appeal is the Ministry reconsideration decision of March 07, 2012, in which the ministry denied the appellant's claim for moving expenses. The appellant did not provide any documentation which would demonstrate that she would meet the criteria set out in the Employment and Assistance for Persons with Disabilities Regulation section 55.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act, section 5.
Employment and Assistance for Persons with Disabilities Regulation, section 55.

PART E – Summary of Facts

The appellant did not attend the teleconference. After confirming that the appellant had been notified, the hearing commenced under Employment and Assistance Regulation section 86 (b).

The evidence before the ministry at the time of reconsideration was:

- A 1 page Shelter Information form dated 2012/01/01 which indicates the appellant's rent as \$600.00 per month.
- A 1 page Shelter Information form dated 2011/10/20 which indicates the appellant's rent as \$850.00 per month.
- A 1 page typed note from the appellant applying for reconsideration for her moving costs and outlining her disability and how it affects her life.
- A Request for Reconsideration form signed and dated by the appellant 2012/02/28.
- A Notice of Appeal completed by the appellant and dated March 20/2012.

The appellant states in her notice of appeal that she is not able to provide the ministry with the documentation it is requesting because all her documentation is with her personal belongings which are in the municipality where she previously resided. The appellant goes on to detail her recent health problems and states she can provide medical proof of her claim if only the ministry would provide her with some grace time. The appellant did not ask for the appeal to be postponed in order for her to obtain her documentation. The appellant submitted more information to the tribunal on the afternoon of March 10, 2012. The panel admitted this 9 page submission under s 22(4) EAA.

This documentation contains a release of information for dated April 8 2012 and signed by the appellant, a handwritten letter to her mother dated February 22, 2012 stating that she has moved and asking if she could leave her personal belongings at her previous address until she can arrange to have them moved. There are several repetitive pages of documents entitled Manufactured Home Site Tenancy Agreement signed by the appellant and 2 other tenants at the same address as well as the landlord. There is a typewritten letter dated March 29, 2012 from the aforementioned other tenants giving the appellant a 10 day notice to remove her personal belongings from the previous accommodation. This letter was not signed by the landlord or owner of the rental unit but by persons listed as tenants in the Manufactured Home Site Tenancy Agreement. The first page of these documents contains a handwritten notation stating that the package includes gas receipts, a trailer receipt and an eviction notice; none of these listed items were contained in the package.

The ministry states that the appellant is a single recipient receiving disability assistance who advised the ministry on February 01, 2012 that she had moved from one city to another to be closer to her medical specialist. The ministry requested the appellant submit 2 quotations for her move. No quotations for the move had been received by the ministry by February 02, 2012. On February 06, 2012 the ministry received quotes and the lowest quote was for \$1575.00.

On February 09, 2012 the ministry advised the appellant that she was not eligible for moving costs under EAPWDR section 55(2) and she was advised of her right to reconsideration.

APPEAL #

On February 28th, 2012 the appellant submitted a completed request for Reconsideration and a Reconsideration Decision was completed on March 7th upholding the ministry's decision.

PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry's decision to deny the appellant moving costs because the appellant did not provide any documentation which would demonstrate that she meets the criteria set out in the Employment and Assistance for Persons with Disabilities Regulation section 55.

Employment and Assistance for Persons with Disabilities Act:

Section 5.

Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Employment and assistance for Persons with Disabilities Regulation
Section 55- Supplements for moving, transportation and living costs

(2) Subject to subsections (3) and (4), the minister may provide a supplement to or for a family unit that is eligible for disability assistance or hardship assistance to assist with one or more of the following:

- (a) moving costs required to move anywhere in Canada, if a recipient in the family unit is not working but has arranged confirmed employment that would significantly promote the financial independence of the family unit and the recipient is required to move to begin that employment;
- (b) moving costs required to move to another province or country, if the family unit is required to move to improve its living circumstances;
- (c) moving costs required to move within a municipality or unincorporated area or to an adjacent municipality or unincorporated area because the family unit's rented residential accommodation is being sold or demolished and a notice to vacate has been given, or has been condemned;
- (d) moving costs required to move within a municipality or unincorporated area or to an adjacent municipality or unincorporated area if the family unit's shelter costs would be significantly reduced as a result of the move;
- (e) moving costs required to move to another area in British Columbia to avoid an imminent threat to the physical safety of any person in the family unit;

The ministry maintains that the legislation is clear and stands by its decision to deny the appellant moving expenses because she did not submit any documentation which would support her claim and meet the criteria set out in EAPWDR section 55.

The ministry maintains that the appellant is not eligible for moving costs under EAPWDR section 55 (2).

2(a) requires the applicant to move anywhere in Canada, if a recipient in the family unit is not working but has arranged confirmed employment that would significantly promote the financial independence of the family unit and the recipient is required to move to begin that employment. The ministry found that the appellant did not move due to obtaining employment elsewhere in Canada.

2(b) moving costs required to move to another province or country, if the family unit is required to improve its living circumstances.

The ministry maintains that the appellant did not move to another province or country to improve her living circumstances.

2(c) requires that the appellant would be required to move within a municipality or unincorporated area or to an adjacent municipality or unincorporated area because the family unit's rented residential accommodation is being sold or demolished and a notice to vacate has been given, or has been condemned. The information submitted by the appellant does not establish that the appellant moved because her rental accommodation was being sold or demolished or that the appellant was provided with a notice to vacate.

2(d) requires that the move within a municipality or unincorporated area or adjacent municipality or unincorporated area if the family unit's shelter costs would be significantly reduced as a result of the move.

The ministry maintains that the appellant moved from rental accommodation of \$425.00 per month to rental accommodation costing \$600.00 per month.

2(e) requires that moving costs to another area in British Columbia are to avoid an imminent threat to the physical safety of any person in the family unit.

The ministry states that although the appellant has indicated in section 3 of the Request for Reconsideration, that she had an abusive landlord (her mother) and that she had to move due to physical safety issues, the appellant did not submit any documentation to confirm these threats and therefore cannot confirm that there is an imminent threat to the appellant's physical safety.

The panel finds that the appellant did not provide documentation to support any of the legislative requirements in EAPWDR. She did not move to another location in Canada in order to obtain employment. The appellant did not move to another province or country in order to improve her living circumstances. The appellant did not move within a municipality or unincorporated area or to an adjacent municipality or unincorporated area because her rental accommodation was being sold or demolished nor was she given a notice to vacate or had the residential accommodation been condemned. The appellant did not move in order to obtain less expensive rental accommodation; in fact her rent increased from \$475 to \$600. The appellant states that her physical safety was at risk because her landlord was abusive but did not provide any documentation to support this allegation.

The panel reviewed all of the information submitted by the appellant and was unable to find any documentation which would support the appellant's request for moving expenses. The items mentioned in the first page notation, specifically, gas receipts, a trailer receipt and an eviction notice could not be found by the panel in the package.

The panel finds that the ministry decision to deny the appellant moving expenses based on the fact

that the appellant did not provide any documentation which would demonstrate that she would meet the criteria set out in the Employment and Assistance for Persons with Disabilities Act section 1 or Employment and Assistance for Persons with Disabilities Regulation section 55 was a reasonable application of the legislation.

The panel confirms the ministry decision.