

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (Ministry) reconsideration decision dated June 1, 2012 which held that the Appellant was not eligible for income assistance due to failure to provide information required to determine eligibility for assistance pursuant to Section 10(1) of the Employment and Assistance Act.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) Section 10
Employment and Assistance Regulation (EAR) Section 32

PART E – Summary of Facts

The evidence before the Ministry at reconsideration consisted of:

1. Letter from the Investigative Officer of the Ministry to the Appellant dated May 23, 2012 denying income assistance because information that was previously requested in letters dated April 3, 2012 and April 25, 2012 had not been provided.
2. Letter from the Ministry to the Appellant dated April 25, 2012 stating that on April 3, 2012 the Ministry requested, in writing, either updated contact information for the owner of the rental property, rent receipts, or bank receipts showing that the rent amount was deposited into the owner's bank account, plus the rent receipt for May 2012. The letter advises that income assistance is withheld pending the receipt of requested information from the Appellant.
3. Letter from the Ministry to the Appellant dated April 3, 2012 advising that the assistance cheque is withheld and for the Appellant to contact the Investigative Officer.
4. Request for Reconsideration signed by the Appellant dated May 28, 2012 stating that he could not contact the first landlord and that he did fill out the motel registration but did not receive a rental receipt for the 10 days that he lived at this second location.

Evidence provided by the Ministry includes:

1. On February 22, 2012 the Appellant attended a meeting with the Ministry and was asked to provide information related to 2010, specifically the 2010 notice of assessment from the Canada Revenue Agency and information about bank account.
2. On March 12, 2012 the Ministry contacted the Appellant to remind the Appellant to provide the taxation information.
3. On March 22, 2012 the Appellant attended the Ministry's office and advised that he had provided the required banking information, however the banking information could not be located in the file, the Appellant stated that the bank account was closed.
4. On April 3, 2012 the Ministry advised the Appellant that his income assistance was on hold until such time as the Appellant contacted the Ministry and provides rental information.
5. On April 25, 2012 the Appellant met with the Ministry and the Ministry advised that it required rental contact information of the owner or rent receipts. The Appellant advised that he was unable to obtain the information as he moved from this residence on April 1, 2012. The Appellant advised that he intended to rent from a motel. The Ministry advised the Appellant that his current shelter needed to be verified prior to releasing the income assistance cheque.
6. On April 25, 2012 by letter the Ministry advised the Appellant that the following information was required - a) either updated contact information for the owner of the first rental location and rent receipts, or bank statements showing that rental payments were deposited to the owner's

bank account (as per the Appellant's statement on April 25, 2012).

7. On May 23, 2012 the Appellant met with the Ministry to enquire about the June cheque. The Appellant was advised that the information requested by the Ministry has not been provided to date.
8. On May 23, 2012 the Ministry contacted the Appellant to advise that the requested information has not been provided by the Appellant and the eligibility for income assistance could not be determined.

PART F – Reasons for Panel Decision

The issue under appeal whether the Ministry reasonably determined that pursuant to section 10 of the EAA the Appellant was not eligible for income assistance due to a failure to provide information required to determine eligibility for assistance.

Relevant Legislation**EAA, section 10****Information and verification**

10. (1) For the purposes of

(a) determining whether a person wanting to apply for income assistance or hardship assistance is eligible to apply for it,

(b) determining or auditing eligibility for income assistance, hardship assistance or a supplement,

(c) assessing employability and skills for the purposes of an employment plan, or

(d) assessing compliance with the conditions of an employment plan,

the minister may do one or more of the following:

(e) direct a person referred to in paragraph (a), an applicant or a recipient to supply the minister with information within the time and in the manner specified by the minister;

(f) seek verification of any information supplied to the minister by a person referred to in paragraph (a), an applicant or a recipient;

(g) direct a person referred to in paragraph (a), an applicant or a recipient to supply verification of any information he or she supplied to the minister.

(2) The minister may direct an applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for income assistance, hardship assistance or a supplement.

(3) Subsection (1) (e) to (g) applies with respect to a dependent youth for a purpose referred to in subsection (1) (c) or (d).

(4) If an applicant or a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for income assistance, hardship assistance or a supplement for the prescribed period.

(5) If a dependent youth fails to comply with a direction under this section, the minister may reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

EAR, section 32**Consequences of failing to provide information or verification when directed**

32 (1) For the purposes of section 10 (4) [*information and verification*] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction.

(2) For the purposes of section 10 (5) [*information and verification*] of the Act,

(a) the amount by which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit is \$100 for each calendar month, and

(b) the period for which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

The Ministry argues that the Appellant is not eligible for income assistance as he has failed to provide all the information required to determine eligibility for Income Assistance pursuant to section 10(1) of

the EAA. The Ministry further argues that the Appellant was provided with several ways to comply, but failed to provide the required information.

The Appellant argues that; a) he cannot get a hold of the owners of the first rental location, and b) in the second rental location, a motel, he didn't receive a rent receipt and but did fill out a motel registration. In the Notice of Appeal, the Appellant further states that the information was unattainable for the motel location and that he was not provided with a receipt.

The Panel notes that a) to determine eligibility for income assistance, section 10(2) of the EAA states that "The minister may direct an applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for income assistance, hardship assistance or a supplement," and b) if a recipient fails to comply, then section 10(4) of the EAA states that "If an applicant or a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for income assistance, hardship assistance or a supplement for the prescribed period," and c) is supported by section 32(1) of the EAR, which states that "For the purposes of section 10 (4) [*information and verification*] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction "

The Panel finds that the Appellant failed to provide the information required by the Ministry to determine eligibility for assistance despite having being advised of need to provide the requested rental accommodation information repeatedly and having being given a reasonable opportunity to provide it. Therefore the Panel finds that the Ministry reasonably determined that all requirements pursuant to section 10(1) of the EAA were not met.

In applying the legislation to the facts of this case, the Panel finds that the Ministry's decision was reasonably supported by the evidence and confirms the Ministry's decision.