

### PART C – Decision under Appeal

In a reconsideration decision dated 12 June 2012, the Ministry denied the Appellant's request for a moving supplement because it determined the Appellant's situation did not meet the eligibility criteria for a moving supplement as set out in the Employment and Assistance Regulation, Section 57 that specifies the Appellant must have no other resources available to cover the moving costs and the Appellant must have prior approval from the Ministry for a moving supplement.

### PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA), Section 5  
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) , Section 55

## PART E – Summary of Facts

In the Notice of Appeal, the Appellant details her assault, reasons for moving and the cost of her move. The Panel finds this written evidence supports and is constant with the information before the Ministry at the time of the reconsideration decision and admits the written evidence under the Employment and Assistance Act, Section 22(4)(b).

The evidence before the Ministry at the time of the reconsideration decision included:

- A 4 page Reasons for Reconsideration from the Appellant dated 27 May 2012.
- An undated note from the Appellant entitled "Social Worker Service Request".
- A handwritten estimate of moving costs of 7 trips each at \$50.
- Three notes from the Appellant dated May 10, 2012.
- A RCMP file number.
- Receipts for a damage deposit at \$375 and for rent for May 2012 at \$750 in the name of the Appellant and two roommates.
- A medical certificate for Employment, Sickness Benefits dated March 23, 2012 (due to a vertebrae fracture).
- An invoice for moving costs for \$400.

In the Reasons for Reconsideration, the Appellant states she had been harassed and attacked in her apartment building in a different community and considers the move to her current residence that she shares with 2 roommates in a smaller community as an emergency move. She says they had insufficient cash or credit cards to rent a truck and that the majority of the furniture is hers. She explains her cost for rent and utilities has been reduced with having 2 roommates.

In the note titled "Social Worker Service Request" the Appellant explains she has no money for food and because of her roommates' medical conditions, they needed to hire someone to move them. Furthermore, they have no money for gas and little or no food. She requests help from the Ministry.

In the first note dated May 10, 2012, the Appellant states she moved because she did not want to risk another attack and back fracture due to her osteoporosis.

In the second note dated May 10, 2012, the Appellant explains she paid the moving expenses out of her propane and income assistance.

In the third note, the Appellant explains the RCMP instructions to obtain access to the file regarding her recent assault.

In the reconsideration decision, the Ministry confirmed on May 2, 2012 that Appellant established eligibility for income assistance as a person with disabilities (PWD) designation. The Appellant received from the Ministry \$125 shelter allowance for April, and a cheque totaling \$931.42 which was support at \$531.42, shelter at \$375 for May and a \$25 shelter crisis supplement.

The Ministry acknowledges the Appellant felt threatened at the time of her move however it determined that it was not documented that the Appellant's move was necessary to avoid an imminent threat to her physical health. The Ministry does acknowledge the Appellant's rental cost have been reduced from \$450 to \$250 as a result of the move. The Ministry concludes the Appellant

has not demonstrated that she did not have the resources to pay for her move and that she did not receive prior approval from the Ministry before incurring the moving costs.

At the hearing, the Appellant stated she had attempted to make an online appointment with the Ministry twice during early April because her Employment Insurance was running out and she needed additional assistance from the Ministry. Then on April 24 she was assaulted and the next day she made a call to the Ministry requesting an appointment and expressing her need for assistance.

The Appellant submitted that she is attempting to get a copy of a letter from Employment Insurance that states she is 100% at risk for a fracture. The Appellant also stated that in her conversation on April 30 with a Ministry worker she told the Ministry of her intent to move and that she wasn't advised of the documentation she needed to submit before her move could be funded.

At the hearing, the Ministry stated that from the information received from the Appellant, it understands there was a threat to her health and safety however prior approval was not given for the move. Furthermore the invoice submitted for the move was for the cost to move 3 people, not just the Appellant and the invoice for the move was received and paid for by the Appellant before the Appellant asked for funding from the Ministry. Finally the Ministry stated that only one quote for moving was received and that it routinely asks for at least two quotes when considering approval of a moving supplement.

The Ministry also reviewed the case worker notes and in them there was no request for moving expenses mentioned within the note from April 30. All the explanatory notes from the Appellant regarding the move are dated May 10, 2012.

The Panel finds from the evidence presented that:

- the Appellant is a recipient of income assistance with the designation of PWD,
- the Appellant received cheques for \$125 and \$931.42 in May from the Ministry,
- the Appellant's cost to move was \$400,
- the Appellant moved on April 30, 2012.

## PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the Ministry's decision to deny the Appellant's request for a moving supplement because it determined the Appellant's situation did not meet the eligibility criteria for a moving supplement as set out in the Employment and Assistance Regulation, Section 57 that specifies the Appellant must have no other resources available to cover the moving costs and the Appellant must have prior approval from the Ministry for a moving supplement.

The criteria for a moving supplement is set out in the EAPWDR, Section 55 as follows:

**55 (1)** *In this section:*

**"moving cost"** means the cost of moving a family unit and its personal effects from one place to another;

(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:*

(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;*

(3) *A family unit is eligible for a supplement under this section only if*

(a) *there are no resources available to the family unit to cover the costs for which the supplement may be provided, and*

(b) *a recipient in the family unit receives the minister's approval before incurring those costs.*

The Ministry acknowledges that EAPWDR Section 55(2) was met because the Appellant's shelter costs were reduced from \$450 to \$250. The Ministry argues that EAR Section 57(3) was not met because the Appellant had resources (her income assistance and propane money) to cover the moving costs and the Appellant failed to receive the Ministry's approval before incurring the moving costs.

The Appellant argues her move was an emergency move to avoid another assault and that she had no money left for food and propane after paying the moving costs.

The Panel finds the Appellant had reasons for fearing for her physical wellbeing, substantiated by her written account and a police file. Furthermore her move significantly reduced her shelter costs and

the Ministry determined the Appellant did satisfy the criteria under EAPWDR, Section 55(2).

The Appellant states that she used the resources intended for food and propane for the cost of the move. The Appellant needed to submit the necessary documentation including recent bank statements to the Ministry in early May in order to be eligible to receive her support cheques of \$125 and \$931.42 from the Ministry. The Panel finds this documentation would be sufficient to ascertain whether the Appellant had alternate resources to cover the cost of the move. Because the Ministry had this documentation, the Panel finds the Ministry did not reasonably determine that EAPWDR Section 55(3)(a) was not met.

The Panel finds the wording "only if" in Section 55(3) requires the Ministry to pre-approve moving costs before a supplement can be provided. In this case, the Appellant moved on April 30, received assistance from the Ministry on May 2, 2012 and submitted moving documentation on May 10, 2012., There is no documentation in the file to indicate that the Appellant sought the Ministry's approval prior to incurring her moving costs. The Panel finds the Ministry reasonably determined that EAPWDR Section 55(3)(b) was not met.

The Panel finds the Ministry decision was a reasonable application of the applicable enactment in the circumstances of the Appellant and confirms the decision.