

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (the ministry) reconsideration decision of June 28, 2012, in which the ministry denied the appellant's claim for a security deposit. The appellant already has 3 outstanding security deposits and is not eligible for a fourth as the maximum outstanding security deposit supplements at one time is 2 under Employment and Assistance for Persons With Disabilities Regulation Section 56.

## PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) Section 56

## 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 ministry did not attend the hearing. After confirming that the ministry was notified, the hearing proceeded under s. 86(b) of the Employment and Assistance Regulation.

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

- An Employment and Assistance Request for Reconsideration dated June 21, 2012, containing a handwritten note from the appellant outlining the reasons she has for appealing the ministry decision.

The appellant's evidence in the request for reconsideration is that she requires a fourth security deposit because she was unable to obtain the old security deposit because of damage to carpet and walls and an inability to remove old and damaged furniture. She states that the damage was from her children fighting and the carpet burns were from the fireplace. She states that her roommate backed out at the last minute and she had to cover the entire rent and the rest of the damage. She states she gave her landlord \$1,275.00.

She feels she needs to find accommodation which is more affordable for her and for her to be able to pay her living expenses and health supplements she feels are required for her failing health. She has found accommodation which is less expensive and has made arrangements with the Ministry to forward the rent directly to her new landlord.

The appellant states that she has failing health and needs to have accommodation which is more reasonable than the \$875.00 she has been paying. The appellant states that the ministry has already set up the new rent to go directly to the new landlord but without a security deposit, the landlord will not give the appellant the keys to the unit. The appellant states that she is in desperate need of assistance and has exhausted all other avenues of financial assistance and will become homeless without ministry assistance.

The ministry's evidence is that the appellant is a recipient of disability assistance with 1 dependent child.

The appellant currently has 3 outstanding security deposits and applied for a fourth security deposit June 18, 2012.

The EAPWDR section 56 states that a security deposit may be provided if the person agrees to repay the amount and the security deposit does not exceed 50% of the monthly rent amount.

The EAPWDR section 56(2) states that the maximum outstanding security deposit supplement at one time is 2, however the minister may exceed the maximum number of outstanding security deposits if the appellant is in imminent danger of being homeless.

The appellant has not provided any supporting documentation from the landlord to confirm the appellant is at imminent risk of becoming homeless.

## PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry's decision to deny the appellant a security deposit 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 56. The appellant already has 3 outstanding security deposits and is not eligible for a fourth as the maximum outstanding security deposit supplements at one time is 2 under EAPWDR section 56.

### Employment and Assistance for Persons with Disabilities Regulation

#### Supplement to pay a security deposit

56 (1) In this section:

**"cooperative association"** means a cooperative association as defined in the *Real Estate Development Marketing Act*;

**"security deposit"** means a security deposit as defined in the *Residential Tenancy Act*, or an amount required by a cooperative association to be paid by a recipient to the cooperative association for the same or a similar purpose as a security deposit under the *Residential Tenancy Act*.

(2) The minister may provide a security deposit to or for a family unit that is eligible for disability assistance or hardship assistance if

- (a) the security deposit is necessary to enable the family unit to rent residential accommodation,
- (b) the recipient agrees in writing to repay the amount paid under this section, and
- (c) the security deposit does not exceed 50% of one month's rent for the residential accommodation.

(3) The minister may recover the amount of a security deposit provided under subsection (2) by deducting \$20 for each calendar month, or a greater amount with the consent of a recipient, from disability assistance or hardship assistance provided to or for the family unit starting with the disability assistance or hardship assistance provided for the calendar month following the calendar month during which the security deposit is paid.

(4) The minister must not provide more than 2 security deposits to or for a family unit unless

- (a) only one of the security deposits has not been recovered or repaid,
- (b) the family unit requires up to one more security deposit to change rented residential accommodation
  - (i) because the recipient is separating from an abusive spouse, or
  - (ii) because the family unit's rented residential accommodation
    - (A) is being sold or demolished and a notice to vacate has been given, or
    - (B) has been condemned, or
- (c) the minister is satisfied that the family unit is homeless or at imminent risk of becoming homeless.

(5) For the purposes of subsection (3), "**security deposit**" includes a security deposit provided on or after April 1, 2002 under the

- (a) Disability Benefits Program Regulation, B.C. Reg. 79/97,
- (b) Income Assistance Regulation, B.C. Reg. 75/97,
- (c) Youth Works Regulation, B.C. Reg. 77/97, or
- (d) Employment and Assistance Regulation.

[am. B.C. Regs. 518/2004, s. 8; 315/2008, s. (b).]

The appellant says that while everything else has been arranged, without a security deposit the new landlord will not give her the keys to the new apartment. The appellant states that she will repay the security deposit to the ministry.

The panel finds that the appellant is a recipient of disability assistance with one dependent child. She is currently in receipt of 3 other security deposits provided by the ministry.

The panel finds that the appellant has not provided any documentation to the ministry which would support her claim that the new landlord will not give her the keys to the new apartment and she will be homeless without the deposit.

The panel finds that the decision of the ministry to deny the appellant a security deposit because she has 3 outstanding security deposits and she has not provided any documentation which would support the appellant's claim she will be homeless without the deposit, is a reasonable application of the legislation.

The panel confirms the ministry decision.