

PART C – Decision under Appeal

The decision under appeal is the ministry's Reconsideration Decision dated August 30, 2012, which held that the appellant is ineligible to receive disability assistance as he failed to provide the ministry with requested information, in the time and manner specified by the ministry, required to determine his asset level and thus his eligibility for continued disability assistance pursuant to section 10 of the Employment and Assistance for Persons with Disabilities Act (EAPWDA) and sections 1 and 10 of the Employment and Assistance for Persons with Disabilities (EAPWD) Regulation. Specifically the ministry determined, based on information provided, that the appellant is the sole owner of a residence herein referred to as "the property" and has failed to provide requested documental evidence with regards to a \$250,000,00 mortgage he states is held on the property.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA) s.10
Employment and Assistance for Persons with Disabilities (EAPWD) Regulation Section 1 –("asset")
EAPWD) Regulation Section 10

PART E – Summary of Facts

Information and records before the ministry at the time of reconsideration include the following:

- Early Renewal Disclosure Statement and Adjustment dated April 18, 2012. This document shows a Principal amount of \$112,748.77 and also provides the annual interest rate, annual percentage rate, and term, date of advance, payments, amortization period, and prepayment privileges.
- A copy of a mortgage document showing that the appellant had secured a mortgage of \$250,000.00 from Ms. X dated December 10, 2007.
- A Copy of an undated letter from the ministry to the appellant requesting verification from the first mortgage holder of the property of the amount of outstanding balance currently on the property. The letter also makes reference to a second mortgage of \$250,000.00 it believes to be held on the property.
- A copy of Assessment Role Report dated May 18, 2012
- A copy of a letter from a health clinic to the appellant dated January 12, 2012.
- A faxed copy of a hand written letter from the appellant to his ministry service provider dated January 25, 2012.
- A copy of a doctor's note dated December 15, 2011.
- A copy of a bank statement showing mortgage information for March 2011.
- A copy of a notarized Declaration of Trust dated July 26, 2002.
- A copy of a signed Request for Reconsideration dated May 25, 2012.
- A copy of a Title of Search dated June 4, 2012.
- A copy of a Supreme Court of BC Oral Reasons for Judgment dated November 7, 2008.
- A copy of a letter from the ministry to the appellant dated July 6, 2012 requesting additional information with respect to his Request for Reconsideration and denial of Income Assistance due to having Assets in Excess.
- A copy of a letter dated July 19, 2012, from a community legal advisory centre responding on the appellant's behalf to the ministry's letter of July 6, 2012
- A copy of a letter from the ministry to the appellant dated March 24, 2011 requesting verification disbursements on the appellant's \$250,000.00 second mortgage.
- A copy of a letter from the ministry to the appellant dated July 27, 2012 requesting confirmation of money exchanging hands on the appellant's \$250,000.00 second mortgage.
- A copy of a letter dated August 16, 2012, written on the appellant's behalf from a community legal advisory service centre responding to the ministry's letter of July 27, 2012, which requested additional legal documents.
- A copy of an e-mail dated June 19, 2009, from a lawyer to Ms. X asking the appellant if his father had put any conditions on his loan.
- A copy of and e-mail dated June 19, 2009, from one lawyer to another, with a copy to Ms X with instructions for payouts against various properties.
- A copy of a letter with an enclosed cheque from one lawyer to another dated June 26, 2009, providing instruction for disbursement of funds arising from a Certificate of Pending Litigation and Judgment filed against the various properties registered in the name of the appellant, Ms X and/or numbered BC Ltd.

Information contained in the Appeal Record indicates that the appellant has been receiving disability assistance as a single recipient of "benefits under appeal". His file was opened in December 2008,

and he is a third party administrated client with all communication going through a community service provider.

Based on information contained in an Assessment Role Report dated May 18, 2012, the appellant is the sole owner of a residence referred to earlier as "the property" with an assessed value of \$400,000.

Background

On January 20, 2012, the ministry was advised that the appellant had moved from the property and was renting accommodation from a friend. A doctor's note dated September 18, 2011, was submitted stating that the appellant needed to live in a situation with daily living care which was now being provided by his friend. An undated letter was mailed to the appellant by the ministry explaining that as he was no longer living at the property, it was considered an asset. The appellant was advised that the ministry would give him three months to sort out his affairs (e.g. put the property up for sale). The letter also requested that he submit verification of the current outstanding mortgage balance on the property for the first mortgage, and told him that his February cheque would be signaled for this information.

On January 25, 2012, the appellant faxed a letter to his service provider requesting reconsideration for the signal on his February assistance stating that he did not own the property. A copy of the 2012 Assessment Role Report was provided to the appellant showing his name as sole owner of the property in question.

On January 26, 2012, the appellant submitted a hand written note as well as a medical note, which had previously been submitted, and a copy of a bank statement showing mortgage information, (but not current information, as the statement was from March 2011). Based on this information the ministry was able to determine that there was at least \$33,000.00 of equity in the home. The appellant was advised that his February cheque could be released but that current mortgage information was still required to be submitted. The appellant was also advised that his May, 2012, cheque would be signaled for review of his asset level as the three month asset exemption would then expire.

On April 25, 2012, the appellant submitted mortgage information to the ministry which included a copy of an Early Renewal Disclosure Statement and Adjustment from a trust company dated April 18, 2012. This information showed that his first mortgage balance was \$112,748.77 and a mortgage document dated December 18, 2007, which stated that he had a second mortgage on the property for \$250,000.00 held by Ms. X. Questions on the second mortgage document regarding the interest rate, interest adjustment date, interest calculation period, payment dates, first payment date, amount of each periodic payment and last payment date were all marked NA. The appellant also submitted a notarized document called a Declaration of Trust dated July 25, 2002, which stated that he is holding the property in trust for another person.

After reviewing this information it was determined by the ministry that the Declaration of Trust did not change the fact that the appellant is the sole owner of the property. The ministry also determined that the assessed value of the appellant's property is \$400,000.00. The appellant had a first mortgage of \$112,748.77 held by a Trust Company, and a second mortgage of \$250,000.00 held by Ms. X and that based on these figures the appellant had equity in the property of \$37,252.00.

On May 23, 2012, the appellant was advised that he was being denied further assistance due to having assets in excess of the legislated limit.

On June 8, 2012, the appellant requested additional time to submit supplemental information regarding a judgment against the property. This request was granted by the ministry

On June 12, 2012 the appellant submitted his Request for Reconsideration and supplemental information. The supplemental information indicated that in addition to the first and second mortgages on the property there was also a \$125,070.80 judgment against the property. When this judgment is added to the first and second mortgages his equity in the property was less than zero and thus he does not have an asset. The appellant thereby claimed that he did not have an asset in excess of the legislative limit.

The submission goes on to state that as the appellant was unable to get a copy of the most recent judgment, the ministry could find the information through BC Online Government Services. Included with the supplemental information were copies of a Title Search dated June 4, 2012, and a copy of a Supreme Court of BC oral Reasons for Judgment dated November 7, 2008.

The Title Search shows a first mortgage was placed on the property in 2002, and is held by a trust company, a second mortgage in 2007 held by Ms. X and a judgment in 2009 held by Mr. A. The copy of a Supreme Court of BC oral Reasons for Judgment in the case of Mr. A Versus the appellant and Ms. X provides the basis for the judgment of \$125,070.80 held by Mr. A against the property.

While undertaking the process of verifying the appellant's most recent judgment the ministry became aware that the appellant may have an additional third mortgage against the property.

On July 6, 2012, a letter was sent to the appellant by the ministry requesting that he submit documents to answer the following questions:

1. How much do you currently owe on the mortgage with the trust company?
2. Where is the \$250,000.00 that Ms. X personally lent to you?
3. Have you paid any amount to Ms. X up to this date?
4. What is the total judgment payment amount owing (\$125, 070.80 + double costs + post judgment interest)?
5. Has any/all of this amount been paid to date?
6. Who is Ms. Y? What is her relationship to you? What is the money intended for? Is this to secure a loan?

On July 19, 2012, a community legal advisory centre submitted a letter to the ministry signed by the appellant which responded to the question asked in the ministry's letter of July 6, 2012, as follows:

1. Attached is a copy of a mortgage renewal with a trust company dated April 18, 2012, with a total amount owing of \$125, 070.80.
2. The \$250,000.00 the appellant received from Ms. X was loaned to him over a number of years to cover the cost of legal fees and other expenses. There were several legal proceedings and several lawyer charges and judgments paid. These transactions all took place two years prior to the appellant being on income assistance and the funds have long been dispensed.

3. The appellant has had no income since his head injury in 2005, and has not been in a position to repay any amount to Ms. X. This is why she is named as second mortgage holder in the amount of \$250,000.00 on the property.
4. In response to your question about the total judgment amount owing. Your letter quoted an amount and the appellant has no knowledge of this matter other than what your letter provided.
5. There has been no fee paid on the judgment amount to date which is why the judgment still shows on the title.
6. Ms. Y is the appellant's mother. With regards to payments made to Mr. B, a lawyer to Mr. C in approximately 2007 or 2008 for a judgment against the appellant. The mortgage is to secure that payment.

On July 27, 2012, another letter was mailed to the appellant by the ministry requesting clarification and legal documentation to confirm his previous statements.

1. Confirmation of money exchanging hands for the \$250,000.00 mortgage from Ms. X for the property. As the appellant also has an additional mortgage of \$250,000.00 on a second residence, confirmation and verification was requested regarding the mortgage specifically for the property, or documentation for the full amount of the mortgage held by Ms X. (\$500,000.00).
2. Confirmation of money exchanging hands for the third mortgage from Ms. Y, the appellant's mother. The appellant was also asked to clarify and elaborate on the following statement made in his letter to the ministry of July 19, 2012. This letter states that she is the appellant's mother with regard to a payment made to Mr. A, a lawyer to pay Mr. B in approximately 2007 or 2008 for a judgment against the appellant. The mortgage is to secure that payment.

The appellant was advised to submit the information to the ministry by August 10, 2012 or he may be found ineligible for income assistance.

On August 8, 2012, the appellant requested additional time so he could submit the required information by August 20, 2012. The extension was granted.

On August 16, 2012, a letter written on the appellant's behalf by the community legal advisory centre and signed by the appellant was received by the ministry. With regards to the recent mortgage placed on the property by the appellant's mother, this was a conversion of an earlier debt to the appellant's father. Records were provided from the appellant's lawyer regarding this mortgage. As for the second mortgage of \$250,000.00 held by Ms. X, the letter submits that the ministry has copies of the legal documents which constitute the mortgage on the property. The letter states that the issue was not part of the original decision and that the current issue is the appellant's equity in the property. Included with the letter are copies of two e-mails both dated June 19, 2009, which contain instructions regarding the release of funds to cover to cost of CPLs and judgment, however this matter is unrelated to the issue in the appeal, the \$250,000.00 second mortgage held by Ms X on the property.

A letter attached to the appellants Notice of Appeal provides no new evidence but does provide argument as to why he believes the ministry's reconsideration decision to be unreasonable.

At the hearing the appellant submitted a signed consent for release permitting an advocate to speak and make decision on his behalf at the hearing and an affidavit signed by Ms. X verifying that she

holds a second mortgage on the property in the amount of \$250,000.00. Both documents were faxed by the appellant to the Tribunal Office and now form part of the record.

Other than the information noted above the appellant introduced no other documental evidence at the hearing. The appellant did highlight the fact that his second mortgage to Ms X had been accepted as valid by the Supreme Court of BC and until recently by the ministry. The appellant explained that as a result of his brain injury he has a great deal of trouble controlling his emotions and does not mean to cause trouble. He explained that as a result of having very little money he was not able to get all of the records requested by the ministry in a timely manner however this could not be helped.

The ministry stood by the record adding that the affidavit submitted by the appellant was just what the ministry needed in order to complete an asset determination and thus to determine the appellant's eligibility for assistance. The ministry did stress however that provision of this new evidence does not guarantee anything, as the ministry will still have to determine the level of asset that the appellant has in the property to determine the appellant's eligibility for ongoing assistance.

The panel found the evidence introduced by the appellant at the hearing in the form of an affidavit, to be in support of the information and records before the ministry at reconsideration as it confirmed information which the ministry had received from the appellant's lawyer in letters dated July 19, 2012, and August 16, 2012. The affidavit was admitted under Section 22(4) of the Employment and Assistance Act. The ministry did not oppose.

Based on the evidence the panel makes the following Findings of fact:

- The appellant is a single recipient of disability benefits. His file was opened in December 2008, and he is a third party administrated client.
- The property owned by the appellant is currently assessed at \$400,000.00
- The appellant has a mortgage with a trust company on the property in the amount of \$112,748,77.
- The appellant has a mortgage with his mother on the property of \$125,000.00.
- The appellant has a judgment against the property of \$125,070.80.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the ministry's Reconsideration Decision which held that the appellant is ineligible to receive disability assistance as he has failed to provide the ministry with requested information, in the time and manner specified by the ministry, required to determine his asset level and thus his eligibility for continued disability assistance. Specifically the ministry determined, based on information provided, that the appellant is the sole owner of a residence herein referred to as "the property" and has failed to provide requested documental evidence with regards to a \$250,000,00 mortgage he states is held on the property. In arriving at its decision the ministry relied upon the following legislation.

EAPWDA Information and verification

10 (1) For the purposes of

- (a) determining whether a person wanting to apply for disability assistance or hardship assistance is eligible to apply for it,
- (b) determining or auditing eligibility for disability 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 disability 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 disability 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 disability assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

EAPWD Regulation

1 (1) In this regulation:

"Act" means the *Employment and Assistance for Persons with Disabilities Act*;

"application for disability assistance (part 1) form" means the application for disability assistance (part 1) form prescribed by the minister;

"application for disability assistance (part 2) form" means the application for disability assistance (part 2) form prescribed by the minister;

"asset" means

- (a) equity in any real or personal property that can be converted to cash,
- (b) a beneficial interest in real or personal property held in trust, or
- (c) cash assets;

Asset limits

10 (1) The following assets are exempt for the purposes of subsection (2):

- (a) clothing and necessary household equipment;
- (b) one motor vehicle generally used for day to day transportation needs;
- (c) a family unit's place of residence;
- (d) money received or to be received from a mortgage on, or an agreement for sale of, the family unit's previous place of residence if the money is
 - (i) applied to the amount owing on the family unit's current place of residence, or
 - (ii) used to pay rent for the family unit's current place of residence;
- (e) a child tax benefit under the *Income Tax Act* (Canada);
- (f) a goods and services tax credit under the *Income Tax Act* (Canada);
- (g) a tax credit under section 8 [*refundable sales tax credit*], 8.1 [*low income climate action tax credit*] or 8.2 [*BC harmonized sales tax credit*] of the *Income Tax Act* (British Columbia);
- (h) an uncashed life insurance policy with a cash surrender value of \$1 500 or less;
- (i) business tools;

- (j) seed required by a farmer for the next crop-year;
- (k) basic breeding-stock held by a farmer at the date of the applicant's submission of the application for disability assistance (part 2) form, and female stock held for stock replacement;
- (l) essential equipment and supplies for farming and commercial fishing;
- (m) fishing craft and fishing gear owned and used by a commercial fisher;
- (n) prepaid funeral costs;
- (o) individual redress payments granted by the government of Canada to a person of Japanese ancestry;
- (p) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;
- (q) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus;
- (r) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;
- (s) money that is
 - (i) paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or
 - (ii) paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry;
- (t) money paid under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
- (u) an income tax refund, or part of an income tax refund, that arises by reason of a payment made by the government of British Columbia to the government of Canada on behalf of a person who incurred a tax liability due to income received under the Forest Worker Transition Program;
- (v) money paid to a person in settlement of a claim of abuse at an Indian residential school, except money paid as income replacement in the settlement;
- (w) post adoption assistance payments provided under section 28 (1) or 30.1 of the Adoption Regulation, B.C. Reg. 291/96;
- (x) for a recipient who is participating in a self-employment program funded or established by the minister under section 8 of the Act,
 - (i) up to a maximum of \$5 000 kept by the recipient in a separate account described in section 4 (2) (b) (ii) of Schedule B, and

- (ii) up to a maximum of \$50 000, or a greater amount approved by the minister, consisting of
 - (A) the value of assets used by the recipient in operating a small business under the self-employment program, and
 - (B) a loan that is not greater than the amount contemplated by the recipient's business plan, accepted under section 70.1 of this regulation, and received and used for the purposes set out in the business plan;
- (y) assets exempted under section 11 (2) [*asset development accounts*] or 12 (2) [*assets held in trust for person with disabilities*];
- (z) payments granted by the government of British Columbia as Interim Early Intensive Intervention Funding;
- (aa) payments granted by the government of British Columbia under section 8 of the *Child, Family and Community Service Act* [*agreement with child's kin and others*];
- (bb) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program;
- (cc) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Extended Autism Intervention Program;
- (dd) payments granted by the government of British Columbia under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*, for contributions to the support of a child to a person other than a parent of that child;
- (ee) payments granted by the government of British Columbia under the Ministry of Children and Family Development's
 - (i) Autism Funding: Under Age 6 Program, or
 - (ii) Autism Funding: Ages 6 – 18 Program;
- (ff) funds held in a registered education savings plan;
- (gg) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills program, or a supported work placement program, approved by Community Living BC;
- (hh) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act (Canada)*;
- (ii) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990, except money paid under that agreement as income replacement;
- (jj) funds held in a registered disability savings plan;
- (kk) a working income tax benefit provided under the *Income Tax Act (Canada)*;

(ll) Repealed. [B.C. Reg. 180/2010, s. 2 (b).]

(mm) the climate action dividend under section 13.02 of the *Income Tax Act*;

(nn) money paid or payable to a person under the *Criminal Injury Compensation Act* as compensation for non-pecuniary loss or damage for pain, suffering mental or emotional trauma, humiliation or inconvenience that occurred when the person was under 19 years of age.

(oo) money that is paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. S024338, Vancouver Registry.

(1.1) Despite subsection (1), assets described in subsection (1) (x) (ii) (A) are not exempt under subsection (1) (i), (j), (k), (l) or (m).

(2) A family unit is not eligible for disability assistance if any of the following apply:

(a) a sole applicant or recipient has no dependent children and has assets with a total value of more than \$3 000;

(b) an applicant or recipient has one or more dependants and the family unit has assets with a total value of more than \$5 000.

(3) The minister may authorize one or more of the following:

(a) that the total cash surrender value of an uncashed life insurance policy of an applicant or recipient is not to be included as an asset of the family unit for the purposes of subsection (2) for the period specified by the minister;

(b) that saleable acreage and buildings owned by an applicant or recipient are to be treated as though they were the place of residence of the applicant's or recipient's family unit for the period specified by the minister.

Based on the information provided, there is no dispute by either party that the property in question is currently assessed at \$400,000.00; the appellant has a mortgage with a trust company in the amount of \$112, 748.77, a mortgage with his mother of \$125,000.00 and a judgment against the property of \$125,070.80.

The appellant's position is that he has provided documental evidence to the ministry which prove that in addition to the verified liabilities listed above on the property, there is also a second mortgage in the amount of \$250,000.00 held by Ms. X., which means his asset level in the property is less than zero.

The ministry's position is that the appellant has failed to provide the requested information in the time and manner it specified required to determine his asset level and thus his eligibility for assistance.

In the appellant's submission attached to his Notice of Appeal he argues that the ministry failed to make a reasonable decision on the original request for reconsideration and, in fact failed to make a decision under the quoted legislation. The ministry accepted the second mortgage in the original

request for reconsideration as valid, and has now reversed that position and now questions the validity of that mortgage, again not part of the original decision.

At the hearing the appellant raised this issue again arguing that his second mortgage of \$250,000.00 to Ms X had been accepted as valid in the BC Supreme Court, and until only a few months ago, by the ministry. The appellant argued he has tried to provide the information requested by the ministry; however as a result of his brain injury he has great difficulty controlling his emotions and does not mean to cause trouble. He further argued that as a result of having very little money he was not able to get all of the records requested by the ministry in the time and manner requested, however this could not be helped. In conclusion the appellant argued that the duly notarized affidavit which he submitted at the hearing is proof that Ms X has a \$250,000.00 second mortgage on the property reducing his equity to less than zero.

The ministry argued that had the appellant provided the information he submitted at the hearing prior to reconsideration things may well have turned out differently. The ministry said they thought this new evidence was just what they required, however as the ministry was participating in the hearing by phone, and had yet to see an actual copy of the affidavit, or complete a new asset assessment, it was impossible to determine if the information provided in the affidavit would reduce the appellant's asset level or not.

As to the appellant's argument regarding the ministry changing their position regarding his second mortgage, the panel finds that as per section 10 of EAPWDA noted above, for the purposes of determining or auditing eligibility for assistance the minister may request information from a recipient or seek verification of any information supplied by the recipient. The panel therefore finds the ministry's decision to request verification of information the appellant supplied to them (i.e. his second mortgage was a reasonable application of the legislation. As to the appellant's position that the ministry failed to complete the reconsideration decision within the legislated time frame the panel finds there is no legislated consequence for this and also notes that the appellant has taken the matter to the Office of the Ombudsperson which is responsible for investigating complaints regarding administrative fairness.

As to the affidavit submitted by the appellant at the hearing, the panel finds that it does confirm the existence of a \$250,000.00 dollar mortgage being held by Ms. X on the property; however it failed to provide verification of money exchanging hands in the time or manner requested by the ministry.

The panel further finds that the ministry attempted to obtain mortgage information from appellant verifying an actual debt of \$250,000.00 on several occasions. For example, the ministry sent a letter to the appellant dated March 24, 2011, requesting verification of any and all disbursements from the \$250,000.00 second mortgage held by Ms. X. The appellant responded saying that this was historical information and not relative to his current eligibility.

The ministry sent a letter to the appellant on July 6, 2012, asking where the \$250,000.00 presumably loaned to him by Ms X was, and if he had repaid any of these funds? The appellant responded in a letter dated July 19, 2012, stating that the \$250,000.00 he received from Ms. X was loaned to him over a number of years to cover the cost of legal fees and other expenses. There were several legal proceedings and several lawyer charges and judgments paid. These transactions all took place two years prior to him being on income assistance and the funds have long been dispensed.

The ministry sent another letter to the appellant dated July 27, 2012, asking for, "confirmation of money exchanging hands for the \$250,000.00 from Ms. X for the property". The letter stated that documents such as, "receipts from lawyers involved to verify fees were paid on the appellant's behalf; receipts for bills paid or court documents to indicate that judgments were resolved", would be acceptable and, "should it be a hardship to provide such legal documentation the minister will take into consideration bank statements or documents which clearly show the transfer of funds to pay bills and other fees". The letter states the information must be in to the ministry by August 10, 2012, however this date was amended at the appellant's request to August 20, 2012. The letter concludes by citing the applicable legislation which provides the ministry with the authority request verification of information which has been provided to it, and the possible consequences for non compliance.

The appellant responded to the ministry in a letter dated August 16, 2012, stating that the ministry has been provided with legal documents which constitute the mortgage and that this issue was not part of the original decision. The issue in the reconsideration was equity in the property which has been shown to be nil. It is the appellant's position that the ministry has sufficient information to determine his equity in the property and that he is satisfied the debt to Ms. X exists.

The panel finds that under Section 10 of EAPWDA listed above, it is the minister who must be satisfied that the information requested has been provided in the time and manner specified, not the appellant. The issue under determination is the appellant's asset level with regards to his equity in the property. As the appellant has not resided at the property since January 2012, and as his three month exemption for the property exempted from being considered an available asset ran out in May 2012, the panel finds the ministry was reasonable in determining that the property must now be treated as an asset as defined in section 1 of the EAPWD Regulation listed above. As per section 10 of the EAPWD Regulation a single person with Persons with Disabilities (PWD) designation, the appellant would be ineligible for assistance if his total assets exceeded \$3,000.00. As the appellant failed to provide verification of information on the second mortgage from Ms. X to the ministry in the time and manner specified by the ministry, the panel finds the ministry's decision that they were unable to determine the appellant's asset level in the property and thus his eligibility for assistance to be reasonably supported by the evidence and a reasonable application of the applicable legislation.

The panel therefore upholds the ministry's decision.