

PART C – Decision under Appeal

The appellant appeals the reconsideration decision of the Ministry of Social Development (ministry) dated December 4/2012 in which the ministry denied the appellant's request for a moving supplement under Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 55(3). The ministry found that the appellant had moved and paid for moving costs before ministry approval which did not meet the criteria for a moving supplement set out in 55(3) of the EAPWDR.

PART D – Relevant Legislation

EAPWDR s.55(3)

PART E – Summary of Facts

The evidence before the ministry at reconsideration included:

- The appellant's request for reconsideration dated December 4, 2012 with a 3 page submission from an advocacy organization who assisted the appellant in the request for reconsideration. The submission states the appellant believes that she should be approved for the moving supplement due to the fact that she couldn't wait for pre-approval by the ministry as she had to move so quickly.

The appellant in her notice of appeal submitted that she was under severe stress to find a new home and had four days to move. She said that she phoned the ministry office to find out she needed three estimates for moving but was not told by the ministry worker that the quotes for moving must be in writing. The appellant said that she did not have the funds or time to run around to moving companies for written quotes so only obtained phone estimates and then had to move very quickly so did not have time to get pre-approval from the ministry. The appellant said that she had to borrow the money to pay for her moving costs. The appellant stated the ministry lost the quotes for moving that she brought into the ministry office.

At the hearing the appellant stated that she did not know she and her mother were moving until October 31st when they received the money for their trailer park that was just sold. She stated that she did not have any resources to pay for the move so she had to borrow the money. She said she came to the ministry office for help as she did not know what to do to obtain the moving supplement and was not aware of all the rules and regulations pertaining to a moving supplement. She said she couldn't get quotes in writing from the moving company as they needed a credit card to do this and the appellant and her mother did not have a credit card. The appellant stated that she went to the ministry office on November 1, 2012 to find out what she needed to do to receive a moving supplement. She was told that she needed to obtain three quotes for moving and to give the ministry worker the quotes, but she stated that she was not told these had to be in writing.

The appellant's witness (her mother) stated that they heard that the trailer park was up for sale, towards the end of the summer of 2012 and so the trailer the appellant and her mother were living in was put up for sale. The witness confirmed that the trailer was titled in both her and the appellant's name. She stated that the moving company quotes, obtained by telephone, were dropped off to the ministry office on November 8th but she was not aware that the quotes had to be in writing not just quoted over the telephone. The witness said that the trailer sold on October 24th and they had to be out of the trailer by October 31, 2012. They found a new trailer in another municipality and moved between November 2 and 4 2012. She stated that during this time she and the appellant were both very stressed due to all the issues of selling their trailer, finding a new place to move to and then moving. She stated that this all happened within a very short time frame.

The panel admitted the evidence of the appellant and the witness, pursuant to Section 22(4) of the Employment and Assistance Act, as providing further detail in support of information that was before the ministry on reconsideration.

At the hearing the ministry restated the position as it is set out in the reconsideration decision reaffirming that the appellant did not obtain pre-approval for the move. The ministry also submitted

that the mother and the appellant both own the trailer. The ministry also stated that both daughter (the appellant) and her mother (the witness) have individual files for benefits. As such, they are separate family units residing at the same address.

The ministry informed that its office was notified on August 27, 2012 that the trailer park where the appellant was living in was going to be sold. The ministry stated that under the Provincial Residential Tenancy Act the landlord must give 60 day's notice that a rental place has been sold, also that the appellant was aware that the trailer park was going to be sold since August, 2012 and, therefore it cannot be considered as an unexpected event which prevented the appellant to request the ministry pre-approval for moving costs as required by the legislation.

The ministry pointed out that the bill for the moving cost that was submitted to the ministry office was in the mother's name not the appellant's name. The appellant is claiming the moving cost, but the bill for the moving cost was in the mother's name. The ministry added that the moving quotes were not misplaced as stated by the appellant, as they were filed under the mother's name, not the appellant's name as the mother's name was on the moving invoice.

The ministry pointed out that the ministry approval was not obtained prior to incurring the cost for the move, and that is why the moving costs were not approved.

Finally, the ministry stated that because the appellant did not request the pre-approval from the ministry prior to incurring the cost for the move, as provided in the legislation, her request for a moving supplement could not be approved. The ministry confirmed that the appellant was notified on November 21, 2012 that she was not eligible for a moving supplement.

The panel makes the following findings of fact:

- The appellant has a Person with Disabilities designation
- The appellant was notified in the summer of 2012 that the trailer park was going to be sold.
- The appellant notified the ministry office on August 27, 2012 that the trailer park was sold.
- The appellant was notified on October 24, 2012 that the mobile home she was living in was sold and she had to move from the mobile home by October 31, 2012.
- The appellant went to the Ministry office on November 1, 2012 to find out what she needed to do to receive a moving supplement.
- The appellant's move took place between November 2 and 4, 2012.
- The appellant obtained three quotes for moving by telephone and took the handwritten quotes to the ministry office on November 8, 2012.
- The appellant borrowed money to pay for the moving costs.
- The receipt from the moving company for the moving cost was in the mother's name and was paid for by the mother before the appellant obtained ministry approval.
- The ministry informed the appellant on November 21, 2012 that the moving costs would not be approved after the appellant completed and paid for her move

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision of December 4/2012, denying the appellant a moving supplement.

The Employment and Assistance for Persons with Disabilities Regulation section 55.(2) subject to subsection (3) and (4) states 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 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 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;
- (f) transportation costs and living costs required to attend a hearing relating to a child protection proceeding under the Child, Family and Community Service Act, if a recipient is given notice of the hearing and is a party to the proceeding;
- (g) transportation costs, living costs, child care costs and fees resulting from
 - (i) the required attendance of a recipient in the family unit at a hearing
 - or
 - (ii) other requirements a recipient in the family unit must fulfil

in connection with the exercise of a maintenance right assigned to the minister under section 17 (categories that must assign maintenance rights).

- (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.
- 4) A supplement may be provided under this section only to assist with
 - (a) the cost of the least expensive appropriate mode of moving or transportation, and
 - (b) in the case of a supplement under subsection (1) (f) or (g), the least expensive appropriate living costs.

The appellant argues that she and her mother were under severe stress in trying to sell the trailer and find a new place to live. The sale and the move happened very quickly and she was not aware of all the rules and regulations and that she had to get the moving quotes in writing from the moving company, not just by telephone. She stated that neither her or her mother have the resources to pay

for the move, that they had to borrow the funds and they now need the money to pay the person back they borrowed the money from.

The ministry argues that the moving cost invoice was paid for and the appellant did not obtain prior approval for the moving supplement as outlined in EAPWDR Section 55 (3)

The evidence in the file demonstrates that the appellant was required to move because her accommodation was sold. However, pursuant to Section 55(3) of EAPWDR a supplement for moving costs may only be considered if there are no resources available to the family unit to cover the costs and the minister's approval has been received before incurring the costs. The evidence demonstrated that the appellant did not receive prior approval from the ministry before incurring the costs of the move; also, that the moving expenses had already been paid when the appellant requested the moving supplement to the ministry. Since the above legislative criteria were not met, the panel finds that the ministry's determination that the appellant is not eligible for a moving supplement was reasonable.

Therefore, In hearing and considering the arguments and positions of both parties the panel concludes that the ministry reconsideration decision was reasonably supported by the evidence and is a reasonable application of the applicable enactment in the circumstances of the appellant.

The panel confirms the ministry's decision.