

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (the "Ministry") February 13, 2013 reconsideration decision denying the Appellant, a recipient of disability assistance, a moving supplement because the Ministry determined that:

- Her shelter costs were not significantly reduced as a result of her move to an adjacent town;
- She did not establish that her move to another area within the province was to avoid an imminent danger to her physical safety, or that her current accommodation was being sold, demolished or condemned;
- She had resources available to cover the costs of the move; and
- She did not obtain the Ministry's approval before incurring the costs of the move pursuant to sections 55(2)(c), (d) and (e) and section 55(3) of the Employment and Assistance for Disabilities Regulation.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation ("EAPWDR") Section 55.

PART E – Summary of Facts

For its reconsideration decision the Ministry had the following evidence:

1. Information from its records that:

- The Appellant requested a supplement on January 2, 2013 to move from one town to another with a handwritten note with 3 moving quotes.
- The Appellant advised that she completed her move as of January 1, 2013.

2. Written Quotes from one mover for \$600, from another for \$604 (dated January 15, 2013), and from another mover for \$550 (dated January 3, 2013) with a note "paid in full by cash".

3. Shelter information form with the Appellant's new address at her father's showing rent for \$400.

4. Appellant's request for reconsideration dated February 7, 2013 in which the Appellant wrote that she was evicted from her apartment. While looking for a new place her door was kicked in by a person who wanted to kill her. The Appellant stated that she needed help real fast. Her father lent her the money to pay the movers and her new place is cheaper.

In her notice of appeal, dated February 21, 2013, the Appellant wrote that her door was kicked in. She did not file a police report because she had been arrested, people were threatening her and she feared for her life. Her father, who is retired and on a fixed income, cannot afford the \$550 for her moving costs.

At the hearing, the Appellant explained that she had to move fast because of threats to her life. People she knew from past criminal activity wanted to kill her because they thought she was co-operating with the police and because of disputes with money. Her door was kicked in by one of those people, who also threatened her. The Appellant said she could not report this incident to the police because of the risk of being hurt by these people. The Appellant said she begged her father to help her move because of her situation. The Appellant also said this is the first time she asked the Ministry for anything and she really needed the Ministry's help. The Appellant also said she's been working part-time to better her living situation and because she wants' to be a better citizen. However, the Ministry has been deducting money from her assistance checks, instead of helping her.

The Appellant also said that just before Christmas, she went to the local Ministry office for help with the move and she explained about the threats to her. She was told she needed 3 written quotes from movers. The Appellant said she contacted movers but they couldn't respond quickly because they were very busy and it was not in their financial interests to give those quotes. Eventually she got 3 quotes and faxed them to the Ministry. The Appellant also confirmed that her previous rent was \$650 and when she moved to her father's it was \$400. She has since moved again and her current rent is \$500. The Appellant also said that her father was not a resource for the move. He lent her the money despite being on a very fixed income. Because of her own very difficult money situation, she doesn't know how she will repay him.

The Appellant's father testified that he has a very limited income and was prepared to show his income tax returns from previous years to prove this. He lent his daughter money so that she could quickly move away from a dangerous living situation, but he cannot afford that loss of money. The Appellant's father also confirmed how much she has been paying for rent since her move and how limited her income is.

The Panel finds that the Appellant's statement in her notice of appeal, her testimony and her father's testimony at the hearing provide details about her move, her rent and reasons for the move.

Therefore, pursuant to section 22(4) of the Employment and Assistance Act, the Panel admits that statement and testimony as being in support of the Ministry's reconsideration decision.

At the hearing the Ministry reviewed its reconsideration decision and relied on that decision

The Panel accepts the Appellant's testimony and her father's testimony regarding the reduction in her shelter costs, noting that the shelter information form in the record supports the Appellant's position.

The Panel also makes the following findings of fact:

1. The Appellant moved from one town to an adjacent town within the province.
2. The Appellant completed the move in early January 2013.
3. The Appellant's father lent her \$550 to cover the cost of the move.
5. The Appellant's shelter costs were first reduced by \$250 and then by \$150.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably denied the Appellant a moving supplement because:

- Her shelter costs were not significantly reduced as a result of her move to an adjacent town;
- She did not establish that her move to another area within the province was to avoid an imminent danger to her physical safety or that her current accommodation was being sold, demolished or condemned;
- She had resources available to cover the costs of the move; and
- She did not obtain the Ministry's approval before incurring the costs of the move pursuant to section 55(2)(d) and (e) and section 55(3) of the EAPWDR.

The following sections of the EAPWDR apply to the Appellant's circumstances in this appeal:

55(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:

- (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.

55(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 Parties' Positions

The Ministry first considered section 55(2) of the EAPWDR and determined that the Appellant moved within the province to an adjacent municipality or area; however, there was no indication that her previous residence was being sold, demolished or condemned. The Ministry submitted that the Appellant's shelter costs were reduced by about \$50 and it decided that amount is not a significant decrease in rent. Also, the Ministry found that there are no police records, reports or restraining orders regarding the threats the Appellant referred to and which would establish that she was avoiding an imminent threat to her physical safety. Therefore, the Ministry decided that the Appellant did not meet the requirements in section 55(2) of the EAPWDR.

The Ministry also determined that the Appellant did not meet the requirements of section 55(3) of the EAPWDR because she did not ask for a supplement until after her move was complete. In addition, because the Appellant's father covered the costs of the move the Ministry decided that she had resources available to cover the moving costs.

The Appellant's position is that she moved to another town because her life was being threatened. People she previously associated with wanted to kill her. Also, she submitted that she reduced her

shelter costs significantly, from between \$250 to \$150 a month. Her father lent her the money for the move, but as a retiree on a low fixed income he cannot afford that loss of money and she has to repay that loan. The Appellant argued that she also is in a very difficult financial situation

The Panel's Findings

To obtain a moving supplement, the Appellant must demonstrate that she has met the applicable requirements in section 55(2) and (3) of the EAPWDR. Section 55(2) states that the Ministry may provide a moving supplement for one or more of the reasons in section 55(2)(a) through (g). First, the Panel finds, based on the evidence, that the Ministry reasonably determined that the Appellant moved to an adjacent municipality within the province. Therefore, it considered the reasons for moving in section 55(2)(c), (d) and (e). With respect to section 55(2)(c), there is no evidence about the Appellant's previous place being sold, demolished or condemned and therefore the Ministry reasonably determined that section 55(2)(c) did not apply in this case.

Regarding section 55(2)(d), in Part E of this decision, the Panel accepted the Appellant's evidence about the reduction in her rent from between \$250 and \$150 a month. The Panel finds that these are significant amounts. Therefore, the Panel finds that it was not reasonable for the Ministry to determine that the Appellant did not significantly reduce her shelter costs pursuant to section 55(2)(d).

As for imminent threats to the Appellant's physical safety, the Panel accepts her evidence about the threats to her life and her reasons for not filing a police report because her explanations were consistent from her statements in her reconsideration request, to her notice of appeal, to her testimony at the hearing. The Panel finds that the Appellant had to move to avoid being hurt or killed by people she was previously involved with. Therefore, the Panel finds that the Ministry unreasonably determined that the Appellant was not required to move to another area to avoid an imminent threat to her physical safety, the reason in section 55(2)(e). Further, because the Appellant established that she met the requirements for two of the reasons for moving in section 55(2), the Panel finds that it was not reasonable for the Ministry to determine that the criteria in section 55(2) were not met.

With respect to section 55(3) of the EAPWDR, the Appellant received a loan from her father to pay for the moving costs even though with his limited income, he cannot afford it and the Appellant does not know how she will repay her father. The Panel finds that, although the Appellant's father lent her money for the move, nevertheless the Ministry reasonably considered the Appellant's father as a resource for the moving costs in accordance with section 55(3)(a).

The Appellant submitted that she asked for the Ministry's help before Christmas but she did not provide information about any Ministry approval before incurring moving costs. The Ministry's records indicate that her move was completed on January 1, 2013. Therefore, based on the evidence, the Panel finds that the Ministry reasonably determined that the Appellant did not receive Ministry approval before incurring moving costs, as required by section 55(3)(b) and it reasonably denied the Appellant a moving supplement.

In conclusion, the Panel finds that the Ministry's reconsideration decision was reasonably supported by the evidence and was a reasonable application of the applicable enactments. Therefore, the Panel confirms that decision.