

PART C – Decision under Appeal

The decision under appeal is the ministry's Reconsideration Decision dated March 1, 2013 which approved the appellant's request for a moving supplement of \$250 but denied the additional \$90 that the appellant incurred to move on the basis that the appellant did not move using the least expensive appropriate mode of moving as required by section 55(4)(a) of the *Employment and Assistance for Persons with Disabilities Regulation*.

In particular, the ministry found that the appellant met all the other legislative criteria required to qualify for a moving supplement but failed to explain why he did not use the mover with the moving quote he had supplied for a flat rate of \$250 which was the least expensive quote he supplied to the ministry.

PART D – Relevant Legislation

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

PART E – Summary of Facts

At reconsideration, the documents that were before the ministry included the following:

- 1) Request for Reconsideration dated February 18, 2013 in which the appellant states that he had to move because of abuse and that he spent \$170 on January 24, 2013 and \$170 on February 20, 2013 for a total moving cost of \$340;
- 2) Shelter Information dated December 13, 2012 regarding the appellant's monthly rent;
- 3) Fax Cover Sheet from a community resource with facsimile dated December 14, 2012 stating that the appellant had to move because his roommate fell back into addictions, was becoming verbally abusive, and had started a physical altercation so the appellant had to move and was unable to get any portion of his rent back from the roommate who was also the home owner;
- 4) Shelter Information dated December 18, 2012 regarding the appellant's monthly rent;
- 5) Rent receipt dated December 11, 2012; and
- 6) Handwritten note from a mover stating that the appellant paid him \$170 dollars for moving on January 24, 2013.

In his Notice of Appeal dated March 11, 2013, the appellant states that he disagrees with the ministry's decision to provide him with \$250 out of the total \$340 that it cost him to move because he needs the other \$90 for food so that he can feed himself.

Admissibility of New Information

At the hearing, the appellant provided oral testimony as to the mover he used and the reason why he did not use the mover who had supplied a flat rate fee quote of \$250. The ministry did not object to the new information. The panel has admitted the oral testimony into evidence in accordance with section 22(4) of the *Employment and Assistance Act*, as being in support of information and records that were before the ministry at the time of reconsideration as they relate to the issue of whether the appellant used the least expensive mode of travel for his move.

The appellant's evidence is that after his request was denied and it came time for him to move, he intended to move using the mover that had supplied the least expensive quote. However, the mover who had supplied the quote of \$250 was staying at a shelter and when the appellant tried to find him to assist with his move, the mover had left the shelter and the appellant was unable to locate him.

The appellant found someone else to move him at a cost of \$340 and the mover agreed to accept half of the cost at the time of the move and the other half the following month, when the appellant received his next support payment. The appellant states that it did not occur to him to obtain a quote from the new mover for the moving cost of \$340 and submit that to the ministry as his request for a supplement to cover the cost of the move had already been denied. The appellant understood that by spending his support allowance of \$170 in January and February 2013 for a cost of \$340 without prior approval from the ministry for the cost of the move that he may not obtain reimbursement, but

he states that if he had not moved his belonging, he could have lost them all, which would be a cost of around \$5,000 to replace his belongings.

The appellant states that when he submitted his Request for Reconsideration, no one at the ministry office told him that he needed to explain why he used a mover that cost more than the least expensive quote of \$250 that he had previously submitted. The appellant's evidence is that he needs all of his support to cover his costs of food and medication and that the \$90 that he had to pay out of his own pocket is necessary to meet his needs. The appellant states that he eats at community resources that offer free food and he tries to obtain free clothing, but that even with his full monthly support and accessing these community resources, it is still hard to meet his monthly needs so the \$90 that he is out of pocket is a significant amount to him.

At the hearing, the ministry relied on the Reconsideration Decision. The ministry's evidence is that the appellant requested assistance with moving costs and on January 9, 2013 he supplied the ministry with three quotes of \$250, \$400 and \$450 from three separate movers. The ministry initially denied the appellant's request for a moving supplement, but after reconsideration, the ministry found that the appellant met the criteria set out in the EAPWDR sections 55(2)(e), (3)(a)(b) and (4)(a) to be eligible for a moving supplement. In particular, the ministry found that the appellant was a single recipient with Persons with Disabilities designation and he had requested approval for a moving supplement before he incurred the moving costs, so that he could move to another accommodation in the province to avoid an imminent threat to his physical safety. The ministry was satisfied that the appellant did not have the resources to meet his full moving costs but found that as the appellant chose not to use the least expensive flat rate moving cost of \$250 and incurred costs of \$340, that he found resources to meet part of his moving costs.

Based on the evidence, the panel's finding of facts are as follows:

- On January 9, 2013, the appellant provided three moving quotes to the Ministry of \$250, \$400 and \$450;
- On January 10, 2013, the ministry denied the appellant's request for a supplement for moving costs;
- The appellant did not provide the ministry with any further quotes for the cost of his move before he moved;
- On or around January 24, 2013 the appellant moved; and
- At Reconsideration, the ministry approved the appellant's request for a moving supplement of \$250 as the least expensive mode of moving.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry reasonably concluded that the appellant was only entitled to moving costs of \$250 as opposed to the \$340 that he requested, on the basis that the appellant did not use the least expensive appropriate mode of moving as required by section 55(4)(a) of the EAPWDR.

The relevant sections of the EAPWDR are as follows:

(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...

The appellant's position is that he ought to have been approved for the supplement for his moving costs as he qualified for the supplement and he was unable to use the mover who provided the quote for \$250 so he had no choice but to incur the moving costs of \$340.

The ministry's position is that the appellant never provided a quote for the cost of the move at \$340 and never provided any explanation in his Request for Reconsideration as to why he did not move using the mover that had supplied the quote for \$250. The ministry's position is that their decision was made on the information before the ministry at the time and was a reasonable decision based on that evidence.

The ministry's position is that had the appellant returned to the ministry with a new quote of \$340 and explained that the previous mover who had quoted \$250 could no longer be found, the ministry may have approved the request at the \$340 but as the ministry had no knowledge of the fact that the appellant was going to incur moving costs of \$340 until he submitted his Request for Reconsideration, the ministry's decision should be confirmed.

Panel Decision

The appellant provided the ministry with three quotes for moving costs of \$250, \$400 and \$450 respectively but states that his actual moving costs were \$340, being \$170 on January 24, 2013 and \$170 on February 20, 2013. The panel accepts the appellant's evidence that he intended to use the mover that had provided the quote of \$250 but that when he went to find him, the mover had left the shelter and the appellant had to find another mover.

The panel appreciates that as the appellant's request for a supplement for moving costs was denied, he did not submit a further quote for the move at the cost of \$340 that he eventually paid. As his request had already been denied and he did not understand why he would submit another moving quote if his request was already denied. At the same time however, section 55(4)(a) of the EAPWDR states that the ministry may provide a moving supplement only to assist with the cost of the least

expensive appropriate mode of moving. And section 55(3)(b) states that a family is eligible for this supplement under this section only if a recipient in the family unit receives the minister's approval before incurring those costs.

The appellant's explanation at the hearing as to why he incurred costs of \$340 for the move rather than \$250 as per the least expensive quote submitted appear reasonable. However, the panel also notes that the appellant has only provided one handwritten receipt in the amount of \$170 for the cost of his move and has not provided a second receipt confirming that he paid the additional \$170 on February 20, 2013. In addition, as the ministry was not provided with a quote for the cost of the move at \$340. The panel finds that the ministry's decision to approve \$250 of the \$340 moving costs requested was reasonable as the flat rate moving quote of \$250 was the least expensive appropriate mode of moving based on the information before the ministry at the time of reconsideration.

In conclusion the panel finds that the ministry's Reconsideration Decision was reasonably supported by the evidence and was a reasonable application of the legislation in the circumstances of the appellant. The ministry's Reconsideration Decision is confirmed.