

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (the ministry)'s Reconsideration Decision dated March 25, 2013 that found that the appellant was not eligible for income assistance pursuant to section 10(4) of the *Employment and Assistance Act* (EAA) as the appellant had not complied with the direction of the ministry under section 10(2) of the EAA to supply the requested documentation necessary to determine her eligibility for income assistance.

In particular, the ministry found that the appellant had not provided the papers documenting the transfer for purchase and/or sale, or disposal of a 1986 vehicle, 1999 vehicle, 1994 vehicle, and 1989 vehicle; bank statements for September to December 2012, completed Bank Profile forms for a bank and a credit union, income tax notices of assessment for 2010 and 2011, and six months of utility bills.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) section 10
Employment and Assistance Regulation (EAR), section 1 and 11

PART E – Summary of Facts

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

- 1) The appellant's Request for Reconsideration dated February 4, 2013 (RFR) with attached letter from the appellant dated March 8, 2013 (the March 2013 Letter) in which she states that she recently moved and was unable to submit the required documentation earlier. In the March 2013 Letter, the appellant states that she is in college for upgrading, that she submitted her utility bill from November to January that shows all payments made, that her child's father has been incarcerated and has not been able to pay any support and that there was no legal arrangements for regular payments in place, that she has submitted a letter detailing the status of the vehicles in question and has asked Revenue Canada for her 2010 and 2011 Notices of Assessment and should be receiving them shortly; and
- 2) Letter from the ministry to the appellant dated January 29, 2013 advising the appellant that she is no longer eligible for income assistance as she has not provided the requested documentation;
- 3) Letter from the ministry to the appellant dated January 17, 2013 requesting various documentation;
- 4) Letter from the ministry to the appellant dated December 28, 2012 requesting various documentation;
- 5) Bank Profile forms for the appellant's bank and credit union, undated and not completed;
- 6) Utility bill dated January 7, 2013;
- 7) Bank Profile for a credit union with the appellant's handwritten note advising that she does not have this account anymore and further handwriting that is partially cut off at the bottom of the page and illegible; and
- 8) Fax Cover Sheet from the appellant dated February 5, 2013 with attached bank statements from September 1 to December 31, 2012; 10 day notice to end tenancy for unpaid rent or utilities dated February 4, 2013; residential tenancy agreement; January 1, 2013 rent receipt; handwritten letter detailing the residency of the appellant's ex-spouse from his sister, from September 1, 2012; handwritten note re problems with the appellant's residence; letter from the appellant stating that she owns a 1992 vehicle and that the other vehicles in question were sent to the auto wreckers and crushed and that the 1994 vehicle belonged to her spouse and that when they split up he took the car back; owner's certificate of insurance and vehicle license indicating that as at October 30, 2012 the appellant was the owner of a 1992 vehicle; letter from a law firm to the appellant regarding a court hearing regarding the family maintenance enforcement program; 2011 confirmation of hearings regarding the appellant's ex-spouse, incomplete and undated, with handwritten notes of the appellant stating that they are no longer together and that she has no way of obtaining the requested information; letter from a college the appellant attends dated December 12, 2012 indicating that the appellant was found eligible to receive a student assistance grant for English and math upgrading; birth certificate of the appellant's son.

In her Notice of Appeal the appellant states that she apologizes for not submitting the requested documents on time, but has since provided them and is a single mother in need of help. The appellant states that she is attending upgrading and taking her son to daycare, doing everything

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alone and is doing her best.

The appellant did not attend the hearing. Having confirmed that the appellant was notified of the hearing, the panel proceeded with the hearing pursuant to EAA section 86(b).

The ministry relied on the reconsideration decision and submitted no new information.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's reconsideration decision, which found that the appellant was not eligible for income assistance pursuant to section 10(4) of the *Employment and Assistance Act* (EAA) as the appellant had not complied with the direction of the ministry under section 10(2) of the EAA to supply the requested documentation necessary to determine her eligibility for income assistance was reasonably supported by the evidence or was a reasonable application of the legislation in the appellant's circumstances.

The relevant sections of the legislation are as follows:

Information and verification – EAA section 10(2) and (4)

10 (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 income assistance, hardship assistance or a supplement.

(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 income assistance, hardship assistance or a supplement for the prescribed period.

Consequences of failing to provide information or verification when directed – EAA section 32(1)

32 (1) For the purposes of section 10 (4) [*information and verification*] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction.

The position of the ministry, as set out in the reconsideration decision, is that the ministry sent the appellant two letters requesting documentation but the appellant did not provide sufficient documentation to determine her continued eligibility. In particular, the ministry's position is that the appellant did not provide the requested documentation regarding her purchase and/or sale of various vehicles, September to December 2012 statements for her bank and credit union, notices of assessment for 2010 and 2011, and her utility bills.

The appellant's position, as set out in the RFR and Notice of Appeal is that she has submitted the documents she was able to or had in her possession, is waiting for her 2010 and 2011 income tax notices of assessment from Canada Revenue Agency, and has submitted a letter regarding the status of the vehicles in question and had been told by a ministry worker that her letter would suffice.

The panel finds that under section 10(2) of the EAA the ministry has the authority to direct the appellant to supply documentation to verify information received by the ministry if that information relates to the eligibility for income assistance. In the present appeal the ministry requested documentation regarding the purchase and/or sale, or disposal of the appellant's various vehicles. In response, the appellant provided a handwritten letter stating that she owns one vehicle, a 1992 vehicle, and that the other vehicles were sent to the wreckers and crushed, so they no longer exist. The appellant provided a copy of her certificate of insurance and vehicle registration for the 1992 vehicle but did not provide any additional documentation to confirm that the other vehicles were sent

wreckers, such as a statement from the auto wreckers confirming this information.

The ministry requested bank profiles from the appellant's bank and credit union but the appellant returned the sample bank profile for the credit union with her handwritten notes indicating that her credit union account was closed. The ministry position is that they need something from the credit union, such as a statement showing that the appellant's account was closed and statements from previous months, but the appellant did not provide them as requested. The appellant provided bank account statements from September 1 through December 31, 2012 but it appears that the statements are not complete and that pages are missing, possibly due to the omission of the back sides of pages not being scanned. For example, the statement provided has details of transactions from October 1 to October 11, 2012 but nothing from October 12 to October 31, 2012 and the December statement only shows transactions from December 1 to 17, 2012.

With respect to her notices of assessment for 2010 and 2011, the appellant states that she has contacted the Canada Revenue Agency and is waiting for those documents. The panel notes that the ministry's request for the appellant's notices of assessments was made on December 28, 2012 and in the appellant's RFR she states that she had requested them but moved since the request was made and that she has requested them again.

With respect to her utility bills, the ministry requested six months of utility bills and the appellant provided one utility bill with a billing date of January 7, 2013 that reflects electricity charges from November 5, 2012 to January 4, 2013. In the RFR, the appellant states that the utility bill shows all payments made and prior to that she lived in a transition house where there were no utility bills, so she does not have complete statements for a five month period. However, the utility bill provided indicates that there was a transfer from a previous invoice and a late payment charge for what appears to be a different account number and the appellant has not provided any explanation for these amounts or transfers billed to her account.

The panel finds that the ministry sent the appellant a letter dated December 28, 2012 requesting various documents and a follow up letter on January 17, 2013 but that the appellant did not provide the documents as requested. Although the appellant had, by the time of reconsideration, submitted some documents and the explanation for the delay in providing her 2010 and 2011 income tax notices of assessment is reasonable, there is no explanation provided for her failure to provide the other requested documents. The ministry also indicated that the appellant's eligibility had been re-established as of March 25, 2013 and the appellant has received income assistance cheques for March and April 2013.

Accordingly, the panel finds the ministry's reconsideration decision that the appellant was not eligible for income assistance pursuant to section 10(4) of the EAA for failure to provide the requested documentation was reasonably supported by the evidence and a reasonable application of the legislation in the appellant's circumstances. The panel therefore confirms the ministry's reconsideration decision.