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PART C – Decision under Appeal

In a reconsideration decision dated 23 April 2013, the Ministry denied the Appellant's request for a moving supplement because it determined none of the reasons for the move were met as specified under the Employment and Assistance for Persons with Disabilities Regulation, Section 55 (2), specifically the Appellant was not required to move to avoid an imminent threat to his physical safety.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA) Section 5
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 55

PART E – Summary of Facts

Preliminary Matter: The Appellant did not attend the hearing. After confirming that the Appellant had received notification of the hearing and waiting a reasonable time after the scheduled start of the hearing, the Panel proceeded with the hearing, pursuant to EAR, Section 86(b).

The evidence before the Ministry at the time of the reconsideration decision included:

- A copy of the Appellant's Request for Reconsideration dated April 11, 2013 which included a handwritten letter from an Advocate for the Appellant.
- Three quotes from moving companies at \$1,250, \$850, and \$1,344.
- A note from the Appellant's medical doctor dated March 6, 2013.
- A residential tenancy agreement with the Appellant and his new landlord dated March 13, 2013 stating the rent is \$800 per month.

In the Reconsideration Decision, the Ministry states the Appellant is a single recipient of income assistance with a Persons with Disabilities designation living in a residence in Town A and paying \$500 rent per month. On March 8, 2013 the Appellant submitted a request for assistance to move to Town B and a letter from his doctor recommending he seek alternate living accommodations because of the negative effect on his mental health due to living in close proximity to his mother. The decision concludes there is no evidence to indicate a move is necessary to avoid an imminent threat to the Appellant.

In the Request for Reconsideration, the Advocate states the Appellant has serious health problems and living in the same complex as his mother is causing emotional, mental and physical stress on the Appellant. She states the mother is emotionally abusive to the Appellant and that the police have told him to stay away from his mother. She states the Appellant has no vehicle and cannot walk well and needs help to get his belongings over to his new place or otherwise he will lose them.

The note from the Appellant's medical doctor states that in his medical opinion, it is detrimental to the Appellant's mental health to continue to live with his mother. He continues that the mother has a number of illnesses which have a very negative effect of the Appellant's mental health and he recommends alternate living accommodations.

In the Notice of Appeal the Appellant states he is a mental health patient with manic depressive issues and he has a medical reason for moving. In a handwritten note dated May 5, 2013 the Appellant states that he has been physically and mentally hurt by his mother and that she is very vicious and has Alzheimer's. He says the police had to appear at his previous residences many times and his doctor has told him he should not go near the premises for his own safety and wellbeing. He also includes another quote for renting a u-haul truck and includes an estimate of \$200 to move his belongings. The Ministry did not object to the additional quote or the additional detail within the notice to appeal. The Panel finds this new evidence is in support of the information that was before the Ministry at the time of the reconsideration decision and admits it as evidence under the Employment and Assistance Act, Section 22(4)(b).

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At the hearing the Ministry explained that the client was approved for a moving supplement in November of 2012 to move from Town B to Town A because it is an adjacent municipality and his living expenses were reduced from \$700 to \$500 per month. The Ministry also understood that for the time the Appellant lived in Town A, he was in his own residence not "with his mother" as the note from the medical doctor implies.

PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the Ministry's decision to deny the Appellant's request for a moving supplement because it determined the Appellant did not meet any of the reasons for approval of a moving supplement as set out in the following Section 55 (2) of the EAPWDR.

Section 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:

- (a) moving costs required 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 a 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;*

The Appellant argues that he is being told by his doctor and the police to move away from his mother because his health and welfare are endangered.

The Ministry argues the Appellant did not move to gain employment, to improve his living circumstances, or to reduce his shelter costs. Furthermore it argues the move was not necessary because the Appellant's did not need to vacate his accommodations because they were being sold, demolished or condemned. Lastly, the Ministry argues that that the doctor's recommendation and the Appellant's explanation of the advice from the police are not sufficient evidence to determine that the Appellant was required to move to avoid an imminent threat to his physical safety.

No evidence has been submitted to establish that the Appellant was required to move for any of the reasons specified in the EAPWDR, Section 55(2)(a) through (d) and the Panel finds the Ministry decision to deny the Appellant a moving supplement based on these subsections was reasonable.

Although the Appellant states the police had to appear at his residence several times, he provides no details as to who called the police, what were the issues as to why they appeared at his residence

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and whether he was physically hurt or threatened. The doctor's note states living in proximity to his mother has a detrimental and negative effect on the Appellant's mental health but does not address the Appellant's physical safety. The applicable legislation (EAPWDR, Section 55(2)(e) specifies the requirement of "an imminent threat to the physical safety" . For these reasons, the Panel finds the Ministry's reconsideration decision is reasonably supported by the evidence and confirms the decision.