

APPEAL #

### **PART C – Decision under Appeal**

The decision under appeal is the ministry's reconsideration decision dated May 2, 2013 wherein the ministry denied the appellant's request for a moving supplement on the basis that he had not met the requirements of s. 55 of the Employment and Assistance for Persons with Disabilities Regulation.

### **PART D – Relevant Legislation**

Employment and Assistance for Persons with Disabilities (EAPWD) Act  
EAPWD Act section 5  
EAPWD Regulations section 55

**PART E – Summary of Facts**

The appellant did not attend at this hearing. After confirming that the appellant was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

The appellant seeks Ministry coverage for moving expenses for a move within the province which moved took place at the end of January 2013. Specifically, the appellant seeks reimbursement for a car and truck rental receipt for \$359.40 and for gas receipts totaling \$390.33. The appellant incurred the moving costs prior to receiving approval from the ministry.

The appellant says In December 2012 he was bedridden with a virus. He made a hospital visit and his condition was extreme with respiratory chest injury. He was planning on spending the Christmas holidays with his family in another city however he was not able to because he was too weak. He finally arrived to be with his family on December 29, 2012 at which time his dad wanted him to move to be with the family. The appellant travelled back to his place of residence and gave notice to his landlord that he would be moving. He rented a budget truck incurring costs for mileage and fuel. His brother drove the truck and others helped with the move as well.

The appellant says he was ignorant of the ministry's processes however he borrowed money to facilitate his move from his father, and now he has to repay it. He says his father is on a very limited income and relies on the borrowed money to be repaid. Additionally, the appellant says he needs the physical and emotional support of his family and living in isolation has been detrimental to his health. the money he used to move was borrowed

**PART F – Reasons for Panel Decision**

(State the reasons for the panel decision)

The issue on this appeal is whether the Ministry reasonably concluded that the appellant's request for a moving supplement of should be denied on the grounds that he has not met the requirements of s. 55 of the EAPWD Regulation.

EAPWD Regulations sections 55(2)(a) – (g) set out the circumstances in which the Ministry may provide a moving supplement. That legislation reads as follows:

**Supplements for moving, transportation and living costs**

**55 (1)** In this section:

**"living cost"** means the cost of accommodation and meals;

**"moving cost"** means the cost of moving a family unit and its personal effects from one place to another;

**"transportation cost"** means the cost of travelling from one place to another.

(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;

(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;

ATTACH EXTRA PAGES IF NECESSARY

(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 (2) (f) or (g), the least expensive appropriate living costs.

[am. B.C. Reg. 275/2004, s. 2.]

It is the appellant's position that he does qualify for moving expenses. While he acknowledges that he did not seek prior approval of the moving costs from the ministry, he submits his move was necessary as he requires the physical and emotional support of his family and living in isolation was detrimental to his health. Additionally, he says that he does not have the resources to cover the costs himself.

The ministry has considered section 55 of the EAPWD Regulation and adds that the appellant would not qualify for the following reasons:

- The appellant did not move because of confirmed employment (s.55(2)(a));
- He did not move to another province or country (ss.55(2)(b) to improve living circumstances;
- He did not move within a municipality or unincorporated area or to an adjacent municipality or unincorporated area (s.55(2)(c - d));
- He was not moving to another area in BC to avoid an imminent threat to his physical safety (s.55(2)(e). The ministry says that although the appellant states that living in isolation was a detriment to his health, there is no medical evidence to confirm that or to confirm that he was required to move to avoid imminent threat to his physical safety; and
- The move was not related to attend a hearing relating to a child protection proceeding or to the appellant's required attendance at a hearing (s.55(2)(f -g)).

The ministry also considered that the appellant has not sought the ministry's approval prior to incurring the expenses as required by the legislation. Additionally, the ministry is not satisfied that the moving costs were the least expensive mode of transportation to meet the appellant's need because he did not provide any estimates from other moving company's or truck rental company's showing that \_\_\_\_\_ was the least expensive cost.

In considering all of the evidence, the panel notes the appellant's acknowledgment that he did not seek prior approval for his moving expenses and also notes that he did not provide information to prove the costs as least expensive. Further the panel accepts that there is no evidence to suggest that the appellant has satisfied any of the criteria of s.55 of the EAPWD Regulation. More specifically, the evidence does not establish that the appellant had to move because of confirmed employment, that the appellant had to move to another province or country to improve living circumstances, that he moved within or to an adjacent community, that the appellant was required to move to avoid an imminent threat to his physical safety, or that his attendance was required for a court hearing.

Accordingly, the panel finds that the appellant's evidence falls short of establishing that he meets any of the criteria set out by EAPWD Regulation, section 55. As such, the panel concludes that the Ministry's decision was a reasonable application of the applicable enactment under section 24(2)(a) and confirms the Ministry's decision.