

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry's) reconsideration decision of August 26, 2013 in which the ministry denied the appellant's request for a moving allowance because:

- the ministry was not satisfied that there were no resources available to the appellant to cover the cost of the move as required under Section 55(3(a) of the Employment and Assistance for Persons with Disabilities Regulation
- the ministry determined that appellant did not receive ministry approval prior to her move, as required under Section 55(3)(b) of the Employment and Assistance for Persons with Disabilities Regulation

PART D – Relevant Legislation

Section 5 of the Employment and Assistance for Persons with Disabilities Act

Section 55 of the Employment and Assistance for Persons with Disabilities Regulation

PART E – Summary of Facts

The evidence includes:

- A Residential Tenancy Agreement signed by the appellant and dated July 4, 2013 between a landlord and jointly with the appellant and a roommate. The tenancy is indicated as starting on July 5, 2013 and the rent as \$800 monthly including utilities and parking. A security deposit of \$400 was required as well as a pet damage deposit of \$400.
- An invoice dated July 8, 2013 for \$350 in moving expenses to the appellant from a moving company. The invoice states "job complete."
- A note dated July 9, 2013 from the appellant addressed to "To whom it may concern" indicating that the appellant was dropping off "my moving receipt from my move yesterday."
- The Decision to be Reconsidered section of the Request for Reconsideration completed by the ministry and dated July 15, 2013. In that section the ministry writes that on July 11, 2013 the appellant in requesting assistance for moving expenses stated that she had been given approval to move by a [ministry] worker.
- A letter dated July 18, 2013 submitted by the appellant with her Request for Reconsideration. The appellant states that in June there were several incidents reported to police in the house she was renting with roommates but she decided to stay there for the month because she and her roommates had already paid the rent and she had "no extra funds." She refers to one of the incidents as "a home invasion." She states that her situation in June was "very stressful," compounded by health issues. She describes her attempts to find alternative accommodation and to obtain shelter payments and reimbursement from the ministry for a damage deposit she paid on the rental suite she found on July 4, 2013. She states that on July 4, 2013 she paid the \$400 damage deposit and an additional \$200 towards the \$400 pet deposit.

She goes on to state in the letter that she moved to her new suite on July 8, 2013 and was directed on July 9, 2013 by one of the ministry workers she had talked to on the phone to submit her "moving receipt" and her request for reimbursement for moving expenses. She states that the worker told her "... there were generally 2 requirements to be approved for moving costs: 1. Rental cost would be lower ... cheaper or utilities included. 2. Emergency situations ... such as fire flood, safety."

Referring to the move, she writes: "We moved all of our worldly possessions, which wasn't much, after the home invasion. Most items were destroyed."

She states before she moved the ministry worker provided her with names and numbers of three moving companies the ministry usually approved and she chose the least expensive of the three and the only one available for her move on July 8. She states she paid \$200 of the \$350 moving expense and the mover held onto several of her possessions pending complete payment.

She states that when she called the ministry on July 11, 2013 to check on the status of her moving reimbursement request:

"The ministry claims 'I informed them that I was approved or had been given approval by a worker.'

And that is 110% INCORRECT!! I informed the worker on the phone that day that the previous worker had told me of the requirements and provided me with the numbers of several moving companies the Ministry approves/uses. And according to the guidelines I did qualify, safety issues and all ... police reports. And my rent share went down. I was paying \$383.33 for rent a month plus \$60 a month in hydro, and \$40 for gas roughly every month. [In] The new place my portion was \$400 including everything."

• The ministry's reconsideration decision of August 26, 2013, in which the ministry states that the appellant:

- is a recipient of assistance with Persons with Disabilities (PWD) designation.
- did not receive the ministry's approval for a moving supplement prior to incurring the costs of her move. The ministry states "there is no information on [the appellant's] file to indicate that [the appellant] requested assistance with moving costs prior to July 9, 2013."
- did not provide any moving estimates to the ministry.
- did not provide any information to confirm that she paid \$200 and not paid her entire moving costs or to confirm that some of her personal items have been held by the mover.
- did not provide any information to support that she did not have the money in a bank account or savings to cover her [moving] costs or that she was unable to receive assistance with her move from family, friends or community resources.

The ministry also states in its reconsideration decision:

- that prior to moving the appellant was advised of the legislative requirements that her situation would need in order to be considered for a moving supplement as well as a list of moving companies the appellant could approach in order to obtain moving estimates.
 - that on July 11, 2013, when the appellant requested assistance with moving expenses she stated she had been given approval to move by a worker.
- The appellant's Notice of Appeal, signed August 29, 2013. In the Reasons for Appeal section of the Notice the appellant states that "due to time restrictions" she had to pay her moving expenses herself.

She writes "I was told, under the ministry legislation I would qualify for my moving expenses."

She claims that the worker who told her this also provided the names of moving companies recommended by the ministry. She states the moving company she used "kept 90% of my stuff" and though she was able to retrieve some of her possessions, she risks losing the rest because she cannot afford to pay the \$200 she still owes the moving company. She writes "I am sleeping on the floor. With my back problems this has resulted in severe trips to the ER for pain meds."

The panel accepts the information in the Reasons for Appeal as confirming her previous statement and as argument from the appellant.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's reconsideration decision to deny the appellant's request for a moving allowance was a reasonable application of the legislation in the circumstances of the appellant or was reasonably supported by the evidence, given that:

- the ministry was not satisfied that there were no resources available to the appellant to cover the cost of the move as required under Section 55(3)(a) of the Employment and Assistance for Persons with Disabilities Regulation
- the ministry determined that appellant did not receive ministry approval prior to her move, as required under Section 55 3(b) the Employment and Assistance for Persons with Disabilities Regulation.

Employment and Assistance for Persons with Disabilities Act

Part 2 — Assistance

Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance for Persons with Disabilities Regulation

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;

(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.]

With respect to Section 55(2)(d) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) the panel notes that the ministry acknowledges in its reconsideration decision that the appellant moved within a municipality and as a result of the move reduced her shelter costs.

Regarding Section 55(3)(a) EAPWDR the appellant's position is that she was only able to pay \$200

of the \$350 moving cost and that some of her possessions were being held by the mover until she paid the \$150 still owing. The ministry's position is that the appellant had not provided any information to confirm that the appellant paid \$200 and had not paid her entire moving cost or that some of her personal items have been held by the mover. The ministry states: "The ministry is not satisfied that you have not paid all your moving costs because you submitted a receipt showing \$350 was paid on July, 8, 2013.

The panel notes that though the appellant also refers to the document from the mover dated July 8, 2013 as a "receipt," in fact the document is an invoice and the invoice does not indicate that the appellant paid the full \$350 moving cost. The panel therefore finds that the evidence of the mover's invoice does not show that the appellant may have paid her entire moving costs as the ministry contends. Furthermore, the panel notes the statements of the appellant that the mover held back some of her possessions because she did not pay all of her moving costs and that she was able to get only some of them back.

Also regarding Section 55(3)(a) EAPWDR, the ministry's position is that it is not satisfied that there were no resources available to the appellant to cover the costs of her move. The ministry states: "You did not provide any information to support that you did not have the money in a bank account or savings to cover your [moving] costs or that you were unable to receive assistance with your move from family, friends or community resources."

The panel notes that in her document submitted with her request for reconsideration, the appellant writes: "We moved all of our worldly possessions, which wasn't much, after the home invasion. Most items were destroyed." The panel also notes the appellant's statement that she was only able to pay the mover \$200 of the \$350 moving fee. The panel also notes that in the document the appellant stated she had "no extra funds after paying her rent for June." As well the panel notes the statement of the appellant in her Reasons for Appeal that she has to sleep on the floor because, as she explained at the hearing, the mover kept her bed pending full payment of moving expenses.

In the light of the above, with respect to Section 55(3)(a) EAPWDR, the panel finds that the weight of the evidence indicates that the ministry's decision was not reasonable.

Regarding Section 55 (3)(b) EAPWDR, the ministry's position is that there is no information on the appellant's file to indicate that the ministry approved the appellant's moving costs prior to her move. The ministry's position is that in order to approve a moving supplement, it is required to review the estimates from moving companies to identify the least expensive costs, along with the reason for the move. The ministry states that prior to moving the appellant was advised of the legislative requirements that her situation would need in order to be considered for a moving supplement as well as a list of moving companies the appellant could approach in order to obtain moving estimates. The ministry states that the appellant did not provide any moving estimates to the ministry. The ministry states that the information on file shows that the appellant requested assistance from the ministry with moving costs three days after the move was completed.

The appellant's position is that she complied with the provision by choosing the least expensive of the moving companies recommended by the ministry. At the hearing the appellant stated that it was her understanding from the ministry worker she talked to before moving told her that she had only to submit her moving bills and they would be paid by the ministry. The ministry representative at the

hearing stated that the ministry never agrees to pay moving bills without first seeing quotes prior to a client moving.

The appellant states in her letter with her Request for Reconsideration that she did not inform the ministry on July 11, 2013 that prior to moving she had been given approval for moving expenses by a ministry worker. However, she goes on to state that "according to the guidelines [explained to her by a ministry worker before she moved] I did qualify." Her position is that she qualified because she had to move for her own safety and as well because as a result of the move her rental costs would be lower. She states, moreover, in her Reasons for Appeal "I was told under the ministry legislation I would qualify for my moving expenses."

The panel finds that the ministry did advise the appellant before she moved regarding the legislative requirements to be approved for moving costs as well as providing the appellant with a list of approved movers. In her Reasons for Appeal the appellant stated that she was told by a ministry worker that "I would qualify for my moving expenses." However, in her Request for Reconsideration the appellant emphatically denied the ministry's claim that on July 11, 2013 she had informed the ministry that prior to moving she been given approval by a ministry worker for incurring moving costs. At the hearing the appellant continued to maintain that she had not informed the ministry that she had received approval from a ministry worker before the move. Given that the evidence of the ministry that there was no information on file that the appellant had received approval of moving costs prior to her move or provided quotes, and given the ministry's evidence that she requested assistance from the ministry with moving costs after her move, the panel finds the ministry's decision reasonable with respect to Section 55(3)(b) EAPWDR.

Given that the panel finds the ministry's decision reasonable with respect to Section 55(3)(b) EAPWDR, the panel finds the ministry's decision to deny moving expenses for the appellant reasonable and confirms the decision.