

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (the "Ministry") reconsideration decision dated April 9, 2013 denied the appellant a supplement for moving because she did not meet the legislated criteria of section 55 (2) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The Ministry held that the appellant's request for assistance with her move is not for any of the reasons listed in the regulation.

PART D – Relevant Legislation

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



PART E – Summary of Facts

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

- Information from the Ministry's files that:
 - the appellant is a single recipient with Persons with Disabilities designation;
 - the appellant's rent was \$325 per month with utilities included for previous rental accommodation;
 - the appellant's rent is \$400 per month with utilities included for new rental accommodation;
 - February 27 2013 the appellant requested a moving supplement stating she had to move because she had mice and the landlord would not fix the roof. The Ministry advised her that the issue was a residential tenancy issue and denied the request stating the request did not meet the criteria for a moving supplement; and
 - in the appellant's request for reconsideration she states that the reason she needs assistance with moving is because the previous rental accommodation had mice, the floor was damaged, the furnace in the basement suite was broken and it was cold all the time, the appellant could not contact her landlord about these issues, and that she wants help moving furniture because her arthritis makes it hard to grip things.

- March 4 2013 Ministry's Shelter Information Form that indicates that the appellant is paying rent of \$400 per month for the new rental accommodation.

- March 4 2013 Ministry's Shelter Information Form that indicates that the appellant is paying rent of \$325 per month for the past rental accommodation.

Additional Evidence

- April 15 2013 Notice of Appeal in which the appellant states that the reason she requested reconsideration is that the residence she moved from was unclean and not suitable to live in, she still has items that need to be moved, she still owes money for the original move to the previous rental accommodation, and that the items left are important family items.
- At the hearing, the appellant and her representative provided additional evidence that was consistent with the other evidence and as follows: the appellant has serious medical conditions, the reason that she had to move was for health issues as the previous rental accommodation has issues of mice, damaged floors, and not suitable to live in. Also the appellant's medical conditions made it difficult for her to contact the Tenancy Branch and her land lord has not been receptive to finding solutions to these issues.

The panel determined that the additional evidence was admissible under section 22 (4) of the Employment and Assistance Act (EAA) as it is in support of the information that was before the Ministry at the time of its reconsideration decision.

PART F – Reasons for Panel Decision

Issue to be Decided

The issue under appeal is whether the Ministry's reconsideration decision, which denied the appellant a moving supplement because she did not meet the legislated criteria of section 55 (2) of the EAPWDR is reasonably supported by the evidence or whether it is reasonable application of the applicable enactment in the circumstances of the appellant.

Legislation

The applicable legislation is as follows:

EAPWDA Section 5:

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.

EAPWDR Section 55:

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;

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(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*].

The Ministry argues that in order to receive a moving supplement, the appellant would have to be moving for one of the following reasons as required by section 55(2) of the EAPWDR:

- confirmed employment that would significantly promote financial independence and you are required to move to begin that employment;
- moving to another province or country to improve her living conditions;
- rental accommodation is being sold, demolished or condemned;
- moving to significantly reduce her shelter costs;
- moving to another area of B.C. to avoid imminent threats to her physical safety.

The Ministry denied the moving supplement because the appellant did not move for any of these reasons.

The appellant argues that she requested moving costs because her past rental location had mice, the floor was damaged (hole), the furnace in the basement suite was broken and it was cold all the time. The appellant states that she could not contact her landlord about these issues and that she wants help moving her furniture because her arthritis makes it hard to grip and lift things.

The panel finds that the appellant did not provide any information related to an employment move, a move to another province/country to improve her living conditions, the rental accommodation being sold, demolished or condemned, a reduction in shelter costs, or imminent threats to her physical safety. Therefore, the panel finds that, based on the evidence the Ministry reasonably determined that the appellant did not meet any of the requirements in EAPWDR Section 55 (2) (a) to (f) and the panel confirms the reconsideration decision.