

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the "Ministry") June 12, 2013 reconsideration decision denying the Appellant a moving supplement because it determined that the Appellant did not meet any of the criteria for a supplement in section 55(2) of the Employment and Assistance for Persons with Disabilities Regulation.

PART D – Relevant Legislation

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

PART E – Summary of Facts

For its reconsideration decision the Ministry had the following evidence:

1. Information from its records that the Appellant:
 - Receives disability assistance.
 - Requested a moving supplement on May 9, 2013 to pay to move baby furniture and clothing from another province to her new home in British Columbia.
2. Appellant's June 4, 2013 request for reconsideration in which she wrote the following about her situation. She is several months pregnant. She had to move from her home in another province for her protection and that of her young son because of a domestic dispute. She had a limited amount of time to pack extreme necessities to board a bus to a safe place to stay. The Appellant wrote that she had to leave behind furniture, clothes and personal belongings. She is on full time disability so her funds are very limited. The Appellant stated that she worked extremely hard to purchase and collect much needed baby items which she will soon need, but she has no way to get them to her new home. She had to start over in this province, getting her own place to live and she had to leave her whole home behind. The Appellant stated that it has been extremely long and stressful being unable to afford to start from scratch and she is unable to afford to repurchase what she already bought.

With her notice of appeal, the Appellant provided the same information and submissions as in her reconsideration request.

The Ministry relied on its reconsideration decision.

The Panel makes the following findings of fact:

1. The Appellant receives disability assistance.
2. The Appellant moved suddenly from another province to British Columbia for her family's health and safety.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably denied the Appellant a moving supplement because it determined that the Appellant did not meet any of the criteria for a supplement in section 55(2) of the EAPWDR.

The following sections of the EAPWDR apply to the Appellant's circumstances in this appeal:

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;
- (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*].

The Parties' Positions

The Appellant's position is that she had to move suddenly from another province for her family's health and safety. Therefore, she was unable to bring her furniture and the baby clothes she will need when her next child is born.

The Ministry's position is that, while it is sympathetic to the Appellant's position, it is unable to grant the Appellant's request because the legislation does not allow it to pay for a move from outside of the province to British Columbia for someone avoiding an imminent threat to physical safety.

The Panel's Findings and Conclusion

The Panel finds that the reason for the Appellant's move from another province is not in dispute; that is, she moved to avoid threats to her family's physical safety. Under section 55(2) of the EAPWDR, the Ministry may provide supplements for moving costs, but only for the specific circumstances set out in that regulation. Under section 55(2)(e), it may provide a supplement for a move by a family unit to avoid imminent threats to physical safety, if that move is within British Columbia, but not province to province. Based on the facts in this case, the Panel finds that the Ministry reasonably determined that the Appellant's circumstances did not fall within any of the eligibility criteria in section 55(2) and thus the Ministry's decision was reasonably supported by the evidence. Therefore, the Panel confirms the Ministry's reconsideration decision.