

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated July 29, 2013 of the Ministry of Social Development and Social Innovation (the "ministry"), which held that, pursuant to the provisions of section 10 of the Employment Assistance Act and section 32 (1) of the Employment and Assistance Regulation, as the Appellant (the "appellant") had not complied with the direction of the ministry to provide information relating to: (a) the appellant's profile from her credit union; (b) her dealings with her credit union from 2005 to the present time; and (3) the dates of the purchase and sale of the appellant's Canada Savings Bonds (the "Bonds"), along with the yearly values and proceeds received by her when the Bonds were cashed, the appellant was not eligible for income assistance until she complied with the ministry's direction.

PART D – Relevant Legislation

Employment and Assistance Act (EAA), section 10
Employment and Assistance Regulation (EAR), sections 32

PART E – Summary of Facts

The relevant evidence before the ministry at the time of reconsideration included the following:

- A letter dated May 23, 2013 from the ministry to the appellant which, *inter alia*, requested: (a) the appellant's Notice of Assessments for the period 2005 to 2012; (b) the appellant's bank profiles and 90-day transactions from all financial institutions where she holds sole or joint accounts; (c) proof of investments held and their value each year from January 2006 to 2013, with dates and amounts of interest or dividends received; (d) current rent receipt with the appellant's address, owner's signature, name and phone number; and (e) proof of source of business income amounting to \$2348.00 that was declared by the appellant on her tax return together with proof of when this income was received;
- A letter dated June 10, 2013 from the ministry to the appellant that made reference to the ministry's earlier letter dated May 23, 2013 and, *inter alia*, requested: (a) attachments used to file taxes that include interest and investment income that was declared to the Canada Revenue agency for the period 2006 to 2012; (b) proof of investments held and their values each year from January 2006 to the current year, with dates and amounts of interest or dividends received by the appellant; and (c) proof of source of business income amounting to \$2348.00 that was declared by the appellant on her tax return together with proof of when this income was received;
- A letter dated July 3, 2013 from the ministry to the appellant, which made reference to the ministry's earlier letters dated May 23, 2013 and June 10, 2013, and notified the appellant that the ministry had not received the following information requested from the appellant: (a) attachments used to file taxes that include interest and investment income that was declared to the Canada Revenue agency for the period 2006 to 2012; (b) proof of income and investment income declared on the appellant's 2006 to 2012 tax returns; (b) similar proof of income and source of income for 2005 as the appellant had received income assistance in 2005 and also declared interest and other investment income of \$2856.00 in her 2005 tax return; (c) proof of investments held and their values each year from January 2006 to 2012; (d) a bank profile from her credit union with proof of all investments each year from March 2005 to the current date, with the values of all investments each year for the period and proof of dates in respect of interest and/or investment income received by the appellant in the said period; and (e) proof of all Bonds held by the appellant between 2005 and the current date with dates they were purchased and/or sold together with proof of the proceeds that the appellant received from the sale of the Bonds. Therefore the ministry could not determine the appellant's eligibility for assistance and therefore the appellant was no longer eligible for assistance and her file was closed effective from July 31, 2013;
- Appellant's Request for Reconsideration dated July 15th, 2013, which, *inter alia*, submitted that: (a) as the earlier "slips" submitted by the appellant were reduced in size and therefore the print thereof was small to read, the appellant was re-submitting them; (b) the appellant was asked to provide information relating to the years 2006 to 2012 in letters of the ministry dated May 23rd and June 10, and for relating to the year 2005 was requested on July 3rd. Copies of the relevant information was submitted with the Request for Reconsideration Request; (c) the appellant had never said that she was not going to provide information from her credit union

and the relevant copies were attached; (d) all the Bonds were bought by the appellant's mother with her money and the amounts on all the Bonds were cashed as money of the appellant's mother; (d) the appellant had requested information relating to the Bonds and was told that she would be mailed the relevant information within 5 to 6 weeks and that she would provide such information to the ministry as soon as it is received by the appellant;

- Five (5) T-5 slips for the year 2005 in respect of the Bonds respectively in the amounts of \$36.10; \$45.58; \$47.72; \$79.01 and \$149.72;
- Five (5) T-5 slips for the year 2006 in respect of the Bonds, respectively in the amounts of \$36.67; \$49.58; \$61.48; \$88.60; and \$220.04;
- Three (3) T-5 slips for the year 2007 in respect of the Bonds, respectively in the amounts of \$87.42; \$121.62; and \$133.50 (in duplicate);
- Four (4) T-5 slips for the year 2008 in respect of the Bonds, respectively in the amounts of \$62.06; 481.10; \$87.72 and \$173.96;
- Two (2) T-5 slips for the year 2010 in respect of the Bonds, respectively in the amounts of \$70.26 and \$85.38;
- One (1) T-5 slip for the year in respect of the bonds, respectively in the amount of \$76.34;
- Eight (8) T-5 slips from a credit union (the "First Credit union"), respectively as follows: 2005 (\$2497.84); 2006 (\$121.64-in duplicate?); 2007 (\$223.75-in duplicate?); 2008 (\$164.03); 2010 (\$0.08); 2010 (\$172.05); 2011 (\$135.75); and 2012 (\$158.37);
- Three (3) Daily Banking Account Statements from the First Credit Union respectively dated April 16, 2013, May 16, 2013 and June 16, 2013;
- Two (2) Tax Statements of Account from another credit union (the "Second Credit Union") respectively dated March 31, 2013 and April 30, 2013; and
- One (1) T-4A slip for the year 2008 in the amount of \$1200.00 from MCC BC Employment in respect of appellant's employment at a store under a youth work program completed by the appellant.

Subsequent to the date of the reconsideration decision, in a Notice of Appeal dated August 7, 2013 filed by the appellant, she states that: (a) she had called to obtain information about the Bonds and was informed that she would receive it the mail at the end of August; and (b) with regard to the information from the appellant's credit union, the credit union statements provided by the appellant to the ministry show the dates when the relevant transactions were made.

Neither the appellant nor the ministry called any witnesses or introduce any new evidence at the hearing.

At the hearing the appellant argued that she has provided to the ministry all the relevant information

that was in her possession. She acknowledged that the ministry requires information about the Bonds and that she has not yet provided such information to the ministry, as she has not yet received it from the relevant source. The appellant stated that her mother purchased the Bonds in her name. She also stated that she has never refused to provide information from the First Credit Union to the ministry, and that her bank account with the Second Credit Union has been closed and the final statement from the Second Credit Union has been submitted to the ministry.

The ministry contended that that the appellant had not submitted all the information requested by the ministry. The appellant's file was opened in March 2005 and reviewed by the ministry in March 2013 as a result of a CRA Data Match. The last application for assistance from the appellant was dated May 8, 2013 and it did not disclose any information about the appellant's assets or income. The ministry therefore requested the appellant, through letters dated May 23, 2013, June 10, 2013 and July 3, 2013, to provide information relating to interest income, investment income and the Bonds for the period 2006 to 2012. Some, but not all, the relevant information was received by the ministry from the appellant following the said letters. In particular, the ministry has not received: (a) any information relating to the appellant's income for the year 2009; (b) all the information from the First Credit Union for the period 2005 to the present; and (c) any information relating to the dates for the purchase and sale of the Bonds, and proof of proceeds of any sales of the Bonds during the period 2005 the present. The ministry made reference to section 10 of the EAA and argued that based thereon the ministry's decision was reasonable as all the relevant information requested by the ministry from the appellant had not been received.

Based on the forgoing, the panel makes the following findings of fact:

- The appellant had requested income assistance from the ministry through an application dated May 8, 2013;
- The ministry had requested from the appellant additional information about her income and assets between the period May and July 2013; and

The appellant has not yet the provided, inter alia, the following to the ministry: (a) any information relating to the appellant's income for the year 2009; (b) all the information from the First Credit Union for the period 2005 to the present; and (c) any information relating to the dates for the purchase and sale of the Bonds, and proof of proceeds of any sales of the Bonds during the period 2005 the present.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision dated July 29, 2013 of the "ministry", which held that the appellant was not eligible for income assistance as she had failed to submit information relating to: (a) her profile with her credit union; (b) her dealings with the same credit union from 2005 to the present time; and (3) the dates of the purchase and sale of the her Bonds, along with the yearly values and proceeds thereof received by her when the Bonds were cashed.

The relevant legislation applicable to issue under appeal is as follows:

Information and verification

10. (1) For the purposes of

(a) determining whether a person wanting to apply for income assistance or hardship assistance is eligible to apply for it,

(b) determining or auditing eligibility for income assistance, hardship assistance or a supplement,

(c) assessing employability and skills for the purposes of an employment plan, or

(d) assessing compliance with the conditions of an employment plan,

the minister may do one or more of the following:

(e) direct a person referred to in paragraph (a), an applicant or a recipient to supply the minister with information within the time and in the manner specified by the minister;

(f) seek verification of any information supplied to the minister by a person referred to in paragraph (a), an applicant or a recipient;

(g) direct a person referred to in paragraph (a), an applicant or a recipient to supply verification of any information he or she supplied to the minister.

(2) The minister may direct an applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for income assistance, hardship assistance or a supplement.

(3) Subsection (1) (e) to (g) applies with respect to a dependent youth for a purpose referred to in subsection (1) (c) or (d).

(4) If an applicant or a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for income assistance, hardship assistance or a supplement for the prescribed period.

(5) If a dependent youth fails to comply with a direction under this section, the minister may reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

Consequences of failing to provide information or verification when directed

32 (1) For the purposes of section 10 (4) [*information and verification*] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient

complies with the direction.

(2) For the purposes of section 10 (5) [information and verification] of the Act,

(a) the amount by which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit is \$100 for each calendar month, and

(b) the period for which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

The appellant's case is that she has provided to the ministry all the relevant information in her possession. She acknowledges that she has not yet provided information about the Bonds, as she has not yet received it from the relevant source.

The ministry's position is that although the appellant has submitted some information for the period 2005 to the present about her income and assets, it is not complete. Therefore, under the applicable legislation (section 10 of the EAA), the appellant is ineligible for assistance and that the ministry's decision is reasonable.

Section 10 (1) of the EAA allows the ministry to, *inter alia*, direct a recipient of income assistance to supply the ministry with information within the time and in the manner specified by the minister for the purpose of determining or auditing eligibility for income assistance or supplement. Where an applicant or recipient fails to comply with such a direction, section 10 (4) permits the minister to declare the family unit ineligible for assistance for the prescribed period. Section 32 of the EAR states that the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the ministry's direction.

In the present case the ministry directed the appellant to provide information relating to her assets and income through three letters respectively dated May 23, 2013, June 10, 2013 and July 3, 2013. Based on the panel's findings of fact described in Part E of this decision, it is clear that the appellant provided some but not all of the information requested by the ministry. The appellant also acknowledges this to be a fact particularly with regard to information relating to the Bonds. The panel therefore finds that the ministry's declaration that the appellant was ineligible for assistance to be reasonable. The panel further finds that the ministry's reconsideration decision was reasonably supported by evidence and is a reasonable application of the relevant enactment in the circumstances of the appellant. Therefore, the panel confirms the ministry's reconsideration decision.