

APPEAL #

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry)'s reconsideration decision dated October 22, 2013, finding that the Appellant is no longer eligible to receive disability assistance pursuant to s. 14.2 of the *Employment and Assistance for Persons with Disabilities Act* (EAPDA) as he has outstanding warrants.

PART D – Relevant Legislation

The relevant legislation is section 14.2 of the EAPDA and section 34.1 of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPDR).

PART E – Summary of Facts

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

The Appellant receives disability assistance as a sole recipient. In September 2013 it came to the Ministry's attention that the Appellant has three outstanding warrants in another province. In accordance with the legislation the Ministry informed the Appellant that he was no longer eligible to receive disability assistance until the warrants were dealt with.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry's finding that the Appellant is no longer eligible to receive disability assistance because he has outstanding warrants.

The relevant legislation is section 14.2 of the EAPDA and section 34.1 of the EAPDR:

Consequences in relation to outstanding arrest warrants

- 14.2** (1) No disability assistance, hardship assistance or supplement may be paid to or for a family unit on account of an applicant or recipient for whom a warrant for arrest has been issued under
- (a) the *Immigration and Refugee Protection Act (Canada)*, or
 - (b) any other enactment of Canada in relation to an indictable offence, and on whom the warrant has not been executed.
- (2) Despite section 6 and subsection (1) of this section, and subject to the regulations, the minister may provide
- (a) disability assistance, hardship assistance or a supplement to or for the family unit on account of the person who is subject to the warrant, or
 - (b) a supplement to
 - (i) the person who is the subject of the warrant, for the purpose of the person returning to the jurisdiction that issued the warrant, or
 - (ii) the family unit, for the purpose of the family unit returning to the jurisdiction that issued the warrant.
- (3) If a family unit includes a person described in subsection (1), the person's income and assets must be included in the income and assets of the family unit for the purposes of determining whether the family unit is eligible for disability assistance, hardship assistance or a supplement, except as otherwise provided in the regulations.
- (4) In this section, "**indictable offence**" includes an offence that is deemed under section 34 (1) of the *Interpretation Act (Canada)* to be an indictable offence.

Consequences in relation to outstanding arrest warrants

- 34.1** Section 14.2 [*consequences in relation to outstanding arrest warrants*] of the Act does not apply to a family unit of an applicant or recipient for whom a warrant for arrest within the meaning of section 14.2 of the Act has been issued and who
- (a) is pregnant,
 - (b) is in the end stage of a terminal illness, or
 - (c) is under 18 years of age.

The Appellant did not attend the hearing, however in his request for reconsideration he points out that the warrants are for outstanding traffic tickets and only in another province are traffic tickets considered 'warrants'. He further states that he has no money to pay the fines and no way to get to the other province to serve the jail sentence that would remove the warrants.

The Ministry stated that these warrants qualify under section 14.2 of the EAPDA as they are for an indictable offence, and that the Appellant does not qualify under any of the exemptions in section 34.1 of the EAPDR. The Ministry also pointed out that it would provide funds for the Appellant to travel to another province in order to deal with the warrants.

The panel finds that the Appellant has three outstanding warrants which meet the criteria under section 14.2 of the EAPDA and that he does not qualify under any of the exemptions listed in section 34.1 of the EAPDR.

Accordingly, the Panel finds that the Ministry's determination that the Appellant does not qualify for

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disability assistance because he has outstanding warrants is a reasonable application of the relevant legislation and confirms the Ministry's decision pursuant to sections 24(1)(b) and 24(2)(a) of the Employment and Assistance Act.