

PART C – Decision under Appeal

The decision under appeal is the Ministry's reconsideration decision dated November 27, 2013, which held that the Appellant is not eligible for a moving supplement to reimburse moving costs. The Ministry found that the Appellant's request met the requirement of section 55(2)(c), EAPWDR because his rented residential accommodation was being sold or demolished, but did not meet the requirements of section 55(3), EAPWDR that he have no resources available to cover the cost and that he must receive prior approval before incurring the moving cost.

PART D – Relevant Legislation

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

PART E – Summary of Facts

The Appellant did not attend the hearing. After confirming that the Appellant was notified, the hearing proceeded pursuant to S 86(b) of the Employment Assistance Regulation.

Information before the Ministry at reconsideration included:

- The Appellant's Request for Reconsideration, dated November 18, 2013.

In his Request for Reconsideration and Notice of Appeal to the Tribunal, the Appellant stated that he was not informed by the Ministry that he would be entitled to a moving supplement if he applied. He stated that he had arranged for someone to move him for free, but that person did not show up and he paid someone to move him. The Appellant stated that the Ministry was aware that he had to move.

At the hearing the Ministry stated that the Appellant's request for reimbursement was denied because he did not receive prior approval for moving expenses and did not meet the requirement that there are no resources available to him to cover the costs.

The Panel makes the following findings of fact:

- The Appellant did not receive prior approval for moving expenses. This is stated by the Appellant in his Request for Reconsideration.
- The Appellant initially arranged for a free move. Subsequently, when the mover did not arrive, he paid someone to move him.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the Ministry's decision to deny the Appellant's request for reimbursement of moving expenses. The Ministry found that the Appellant's request met the requirement of section 55(2)(c), EAPWDR because his rented residential accommodation was being sold or demolished, but did not meet the requirements of section 55(3), EAPWDR that he have no resources available to cover the cost and that he must receive prior approval before incurring the moving cost.

Legislation

EAPWDR

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.

The Appellant's position is that the Ministry knew he had to move but did not inform him that a subsidy was available for moving expenses, which he would have received if he had applied prior to the move.

The Ministry's position is that the Appellant did not receive prior approval before incurring moving costs, and he found the resources to pay.

The Panel notes that the Ministry determined that the Appellant satisfied the requirements of s. 55(2)(c), EAPWDR because his rented rental accommodation was being sold or demolished and a notice to vacate was given. The Panel notes that the Appellant stated that he had arranged for someone to move him for free, and after this arrangement did not materialize, he was required to pay for moving costs. The Panel finds that the Ministry reasonably determined that the Appellant did not receive the minister's approval before incurring moving costs as required by s. 55(3)(b). The Appellant stated that he paid the moving costs and is requesting reimbursement. The Panel finds that the Ministry reasonably determined that the Appellant had resources available to cover the cost of the move, thereby not meeting the requirements of s. 55(3)(a).

The Panel therefore confirms the Ministry decision as reasonably supported by the evidence.