



### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry)'s reconsideration decision dated November 20, 2013, finding the Appellant is not eligible to receive income assistance as he has failed to provide information required by the Minister in accordance with section 10 of the Employment and Assistance Act (EAA) and, in accordance with section 32 of the Employment and Assistance Regulation (EAR) remains ineligible until he complies with the request.

### PART D – Relevant Legislation

The relevant legislation is section 10 of the EAA and section 32 of the EAR.

PART E – Summary of Facts

The Appellant is in receipt of income assistance as a single person.

On September 17 and 18 the Appellant was contacted by the ministry by phone advising him that they required certain financial information from him including a "statement of pay/pay dates/balance from any holdings in your name held with Canadian Stock Transfer ("CST") from the date it was opened to present". The ministry confirmed these conversations in a letter to the Appellant dated September 18 and re-iterated that this information was required by October 23 or his November income assistance payments would be withheld and he could be found ineligible for income assistance.

On October 23 the Appellant advised the ministry that he was asking CST to fax the required information directly to the ministry. That information was never received by the ministry and on October 31 the ministry sent the Appellant a letter indicating that he was ineligible for income assistance for failing to provide the required information. On November 4 the ministry received the Appellant's 2008 income tax notice of assessment.

The Appellant applied for reconsideration on November 5 stating that he had contacted CST but was still waiting for CST to respond to his request for his account number and personal code. The reconsideration decision found that the Appellant had still not complied with the ministry's request for information and was so ineligible to receive income assistance.

## PART F – Reasons for Panel Decision

The issue under appeal is the Ministry's reconsideration decision dated November 20, 2013, finding the Appellant does not qualify to continue to receive disability assistance because he has not provided the Ministry with required information.

The relevant legislation is section 10 the EAA:

### Information and verification

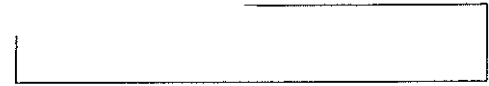
- 10 (1) For the purposes of
- (a) determining whether a person wanting to apply for income assistance or hardship assistance is eligible to apply for it,
  - (b) determining or auditing eligibility for income assistance, hardship assistance or a supplement,
  - (c) assessing employability and skills 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.

And section 32 of the EAR:

### 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.

At the hearing the Appellant argued that he had made reasonable efforts to obtain the CST information but was facing unavoidable delays. The Appellant stated that he was not aware that this account existed as it was established in the 1980s and he had had nothing to do with it since that time. This has meant that he has had to correspond by mail with CST providing proof of his identity



in order to acquire an account number and a password before he can actually request the information. All this has taken considerable time. He is at the point of receiving by mail his account number and password.

The ministry argued that it has given the Appellant more than enough time to obtain the required information. The Appellant has still not provided the information although he has had nearly three months to do so. The ministry also pointed this out that it had requested this information from the Appellant in July, 2013, when he was previously a recipient of income assistance, and he had not provided the information at that time.

The panel finds that the Appellant has had more than sufficient opportunity to obtain the required information and provide it to the ministry. The panel understands that the Appellant has had to correspond with CST and that this might have created delays. However, three months' delay indicates that the Appellant has not been reasonably diligent in his efforts to obtain the required information. The fact that the ministry also requested this information in July supports this conclusion.

The panel finds that the ministry reasonably determined that the appellant has failed to provide the Ministry with required information in accordance with section 10 of the EAA and therefore the ministry's decision to find the Appellant ineligible to continue to receive assistance in accordance with subsection 10(4) and, in accordance with section 32 of the EAR, remains ineligible until he complies with the request was reasonable.

Accordingly, the Panel finds that the Ministry's decision 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.