

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry)'s reconsideration decision dated January 31, 2014 which held that the Appellant was not eligible for a moving supplement because his request did not meet any of the criteria set out in section 57(2) of the Employment and Assistance Regulation (EAR).

The Ministry held that the Appellant was not moving:

- to anywhere in Canada, for arranged, confirmed employment as set out in section 57 (2)(a) of the EAR;
- to another province or country, to improve his living circumstances as set out in section 57(2)(b) of the EAR;
- within a municipality or unincorporated area or to an adjacent municipality or unincorporated area because his rented residential accommodation was being sold or demolished and notice to vacate had been given, or had been condemned as set out in section 57(2)(c) of the EAR;
- within a municipality or unincorporated area or to an adjacent municipality or unincorporated area because his shelter costs would be significantly reduced as a result of the move as set out in section 57(2)(d) of the EAR; or
- to another area in British Columbia to avoid an imminent threat to his physical safety as set out in section 57(2)(e) of the EAR.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) section 4
Employment and Assistance Regulation (EAR) section 57

PART E – Summary of Facts

The Appellant has been a sole recipient of income assistance since March 2011. On January 9, 2014, the Appellant requested assistance to move to another town to be closer to his knee specialist, to reduce his living costs and to find work to get off of assistance. On the same date, he submitted a shelter form indicating rent of \$475.00 including utilities which was less than the \$570.00 he was paying in his previous town. At that time, the Appellant did not have a confirmed job.

The Appellant received a crisis supplement in January 2014.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry's decision finding the Appellant is not eligible for a moving supplement because his move did not meet any of the requirements of section 57 of the EAR, in particular his move was not:

- to anywhere in Canada, for arranged, confirmed employment as set out in section 57 (2)(a) of the EAR;
- to another province or country, to improve his living circumstances as set out in section 57(2)(b) of the EAR;
- within a municipality or unincorporated area or to an adjacent municipality or unincorporated area because his rented residential accommodation was being sold or demolished and notice to vacate had been given, or had been condemned as set out in section 57(2)(c) of the EAR;
- within a municipality or unincorporated area or to an adjacent municipality or unincorporated area because his shelter costs would be significantly reduced as a result of the move as set out in section 57(2)(d) of the EAR; and
- to another area in British Columbia to avoid an imminent threat to his physical safety as set out in section 57(2)(e) of the EAR.

The relevant legislation is section 4 of the EAA and section 57(2) (a), (b), (c), (d), (e) and (3) (a), (b) of the EAR.

Income assistance and supplements

4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

Supplements for moving, transportation and living costs

57 (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 income assistance, other than as a transient under section 10 of Schedule A, 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 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;

(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.

At the hearing, the Appellant indicated that he did not have a confirmed job but there were more opportunities to find work in his new town and he would be closer to his physician. He was waiting for surgery on his ankle and would only receive 48 hours notice of the date and time of surgery. Living in previous town was too far away for him to get to the hospital in his new town. Getting the surgery was necessary before being able to get work.

The Ministry's position was that the Appellant did not meet the requirement of having a confirmed job to be eligible for a moving supplement under section 57(2)(a) of the EAR.

Panel found that the Ministry reasonably concluded that the Appellant did not meet the requirement of section 57(2)(a) of the EAR as he did have a confirmed job in his new location.

The Appellant indicated that the move to his new town would provide him with better living conditions and a chance to get away from people who drank and did drugs. The move would be an opportunity for him to get a job or go to school and get off assistance.

The Ministry stated that although the move might provide the benefits stated by the Appellant, the move was within the same province and not to another province as set out in section 57(2)(b) of the EAR, nor was his accommodation being sold or demolished or had been condemned as set out in section 57(2)(c).

Panel found that the Ministry reasonably concluded that the Appellant did not meet the requirement of section 57(2)(b) and (c) as he was not moving to another province or country and his present accommodation was not being sold nor had it been condemned.

The Appellant stated and the shelter form indicated that his rent would be reduced by moving to his new town from \$570 to \$475 per month.

The Ministry agreed that his rent would be reduced, however his move was not within or to an adjacent municipality as set out in section 57(2)(d) of the EAR. The Ministry stated that there was no evidence of an imminent threat to the physical safety as set out in section 57(2)(e) of the EAR.

Panel found that the Ministry reasonably concluded that the Appellant did not meet the requirement of section 57(2)(d) and (e) as he not moving within or to an adjacent municipality nor was there an

imminent threat to his physical safety.

The panel finds that the Ministry's decision to find that the Appellant was not eligible for a moving supplement was a reasonable application of the applicable legislation in the circumstances of the Appellant. The panel found that the legislation, section 57 (2) of the EAR, clearly set out the requirements for eligibility for the moving supplement in situations like that of the Appellant.

Accordingly, the panel confirms the Ministry's decision.