

PART C – Decision under Appeal

The Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision dated 7 April 2014 determined the appellant was not eligible for income assistance due to failing to provide the information requested by the minister under section 10(1) and (4) of the Employment and Assistance Act (EAA).

Further, that under s. 32 of the Employment and Assistance Regulation (EAR), the ministry declared the appellant ineligible for assistance until the appellant complies with the direction.

PART D – Relevant Legislation

EAA section 10.
EAR section 32.

PART E – Summary of Facts

The ministry and the appellant were not in attendance at the hearing. After confirming that both the ministry and the appellant were notified, the hearing proceeded under s. 86(b) of the EAR.

The following evidence was before the ministry at the time of reconsideration:

- The appellant has been receiving income assistance, as a single person with Persons with Persistent Multiple Barriers (PPMB) qualification, since her file was reopened on May of 2012.
- In January 2014, the appellant indicated to the ministry she received \$1217.51 in “child taxes” and in February, \$1335.61.
- A Residential Tenancy Agreement (RTA) between the appellant and her landlord, signed by the latter on 4 February 2014 and by the former on 7 February 2014 for a specific rental unit starting on 7 February 2014 at a monthly cost of \$1500.00, on a month to month basis. The RTA also indicates a security deposit of \$750.00 to be paid in 2014. The document indicates a 7-page addendum with “multiple” additional terms was attached but not provided.
- The ministry indicates having received the appellant’s Residential Tenancy Agreement mentioned above on 20 February 2014 as well as a letter from MCFD indicating the appellant’s children could stay with her.
- A 4-page document titled “Canada child tax benefit” (CCTB) dated 20 February 2014 from the Canada Revenue Agency (CRA) to the appellant with a residence address other than the one on the RTA mentioned above, indicating:
 - A change to the eligible children: the appellant is no longer eligible for one of her children as of December 2013 and the amount deposited being just over \$400.00;
 - An assessed family income of just over \$15,000.00 for 2012;
 - An annual entitlement for Canada Child tax benefit (CCTB) and National child benefit supplement (NCBS) of a total just under \$12,000.00.
 - An amount owed of just over \$130.00;
 - A monthly entitlement schedule from February to June of just over \$850.00 per month.
- On 25 February 2014, the ministry requested that the appellant provide the following documents:
 - Her Residential Tenancy Agreement;
 - Proof of family bonus and child tax benefits payments;
 - Confirmation of amount being paid;
 - Confirmation of amount being paid and date of any back payment received in January or February 2014;
 - Proof of any bank account held by the appellant;
 - 90 day statements for any open bank account held by her;
 - Rent payment receipts for February 2014;
- On 21 March 2014, the appellant spoke with a ministry worker and advised that she felt the ministry was harassing her and that she would not provide any further information.
- A letter dated 24 March 2014, signed by a social worker with the Ministry of Children and Social Development (MCFD) confirming the appellant resides at the address being the object of the above-mentioned RTA with 3 of her 4 children, the fourth returning to her home in June of this year. The author offers his assistance with respect to the ministry’s assessment and expresses his concerns that the appellant may not be able to pay her rent without her social assistance and “would hate to see this family of 5 in search of a residence again”.
- A letter dated 24 March 2014 by the appellant to the ministry expressing concerns of being

harassed because her file was reviewed despite having provided all the documents requested but yet having to relocate herself and her family twice because of this. She has 3 of her children in her care full time. She stated that after she explained her situation to a ministry worker, she was told she would receive her cheque at the end of February. Yet, she indicated she received a phone call from that worker, telling her that her file had been sent back to review. She claimed having submitted her rental agreement and indicated she had a file with MCFD.

- An undated 4-page document apparently drafted by the appellant listing the names of 13 individuals and 1 community organization that are friends and/or support her and her family.

In her Notice of Appeal dated 28 April 2014 the appellant states: "I am a mother of 4. I am desperately in need of assistance."

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's decision that the appellant was not eligible for income assistance due to failing to provide the information requested by the minister under section 10(1) and (4) of the EAA and further, that under s. 32 of the EAR, the ministry declared the appellant ineligible for assistance until the appellant complies with the direction, was a reasonable application of the legislation or reasonably supported by the evidence.

The relevant legislation providing the authority to the minister to request this type of information can be found at s. 10 of the EAA that states:

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...

(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...

The prescribed period for which a person who fails to provide the requested information is determined at s. 32 of the EAR:

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.

The ministry argues that there were discrepancies between what the appellant stated she received in terms of child taxes and the information provided by the CRA as well as in terms of her residence and needed further information to audit her eligibility for assistance. While she did provide a copy of her RTA, the ministry states that she needed to clarify the damage deposit of \$750.00 and an accompanying note mentioning a credit and she needed to provide confirmation of payment for her rent. In order to properly audit her eligibility for assistance the ministry further argues that she needed to provide proof of any bank account she may have as well as bank statements for the previous 90 days so that it could confirm child tax deposits and/or rent payment, as well as indicate how the appellant could afford a \$1,500.00 monthly rent. Finally, the ministry argues that she failed to provide such information and that it was reasonably determined she was ineligible for assistance and would remain ineligible until she provides such information.

The appellant argues that the ministry is harassing her since she claims she provided all the

information requested and that the action of the ministry jeopardized her housing situation, having to relocate twice because of that. She argues that once she explained her situation to a ministry worker, she was told she would receive her assistance cheque at the end of February but that later, she received a call from that same worker indicating her file had been flagged for review again. She states she submitted her rental agreement, that she could not get a rent receipt because her landlord was absent and that she has a file with MCFD that can confirm her family situation. She finally argues she is a mother of four and she is in dire need of assistance.

The evidence is that the appellant did provide her RTA for her current residence and that she did provide some documentation from the CRA about her child tax benefits and her National child benefit supplement. The CCTB notice indicates that an amount of \$435.53 per month is "direct deposited" for the appellant, indicating she does have a bank account. The evidence is that the ministry requested on more than one occasion that the appellant provide statement(s) of her bank account(s); rent receipts and confirmation of the date and amount of any back payment she received from the CCTB for January and February 2014 in determining the appellant's eligibility for income assistance. The evidence before the panel is that the appellant provided some information – RTA and some CCTB documents but refused to provide all the information the ministry requested, stating that she felt she was being harassed.

The panel finds the evidence supports that the ministry reasonably determined that the appellant failed to comply with the ministry's request to provide proof of any bank account she had, her bank statement(s), further information from CCTB and provide her rent receipts as requested under s. 10(2) of the EAA. The panel finds the ministry's decision to declare that the appellant is ineligible for assistance, hardship assistance or a supplement for the prescribed period as set out in s. 10(4) of the EAA was reasonable.

In reference to the consequences for failing to provide information or verification when directed, s. 32(1) of the EAR states that for the purposes of s. 10(4) of the EAA, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction. The panel finds that the ministry reasonably applied section 32 of the EAR in declaring that the family unit is ineligible for assistance until the ministry's direction is complied with.

Therefore, the panel finds that, based on the evidence, the ministry's decision was reasonably supported by the evidence and confirms the decision pursuant to paragraphs 24(1)(a) and 24(2)(a) of the EAA.