

### PART C – Decision under Appeal

The decision under appeal is the ministry's reconsideration decision dated July 16, 2014 that denied the appellant's application for funds to cover the costs of storing her personal belongings until she finds permanent accommodation. The ministry found that she did not receive pre-approval for the expenses and that her storage was not for a limited time as required in the Employment and Assistance Regulation section 57.

### PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) section 57

## PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- An admittance and discharge form showing the appellant was admitted to a treatment program on January 24, 2014.
- A certificate of completion dated April 24, 2014 for the appellant's treatment program.
- A letter written by the appellant dated June 4, 2014 requesting assistance to cover her monthly storage fees of \$72.45 while she is staying in transitional housing while she waits for an affordable residence. She argues that she had to place her belongings into storage when she entered treatment and because she cannot afford the monthly fees, she is in jeopardy of losing them including items of sentimental and practical value.
- A letter from the transition house society dated May 9, 2014 confirming that the appellant is living at the transition house and is completing the programs they provide.
- A letter written by the appellant dated May 9, 2014 requesting the ministry cover the \$72.45 fee to maintain her storage. She writes that she has completed a recovery-based program.
- An Auction Notice dated June 4, 2014 from the appellant's storage facility stating that the contents of her locker will be auctioned off on July 25, 2014 if she fails to pay the balance of \$217.40 by the date of the auction.
- A letter written by the appellant dated June 5, 2014 arguing that she is entitled to two moves and that she took part in the recovery program and then moved to the transitional housing. She added that if she didn't make the move to the transitional house she would be living in an unsafe environment and possibly relapsing into addiction.
- The appellant's Request for Reconsideration form dated June 6, 2014. She writes that according to a publication called 'My Welfare Rights,' she is entitled to the ministry covering her moving expenses if she is moving for her safety or the safety of her family. She added that she has completed a 90-day recovery program, her father had covered the storage fees for a period of time however he is no longer able to help, and she is still living in the transitional housing while trying to get her children back into her care.

The appellant submitted new evidence with her Notice of Appeal as well as copies of documents that were previously submitted.

- A letter written by the appellant dated July 2, 2014 in which she argues that the reconsideration decision was not completed with care and that the reconsideration officer made errors.
- A letter written by the appellant dated June 30, 2014 in which she points to errors the ministry has made including her address being recorded incorrectly, having the wrong name for the recovery program she was in, and that she has moved from the recovery program to a transitional house only once.
- Copies of pages from a publication called 'Your Welfare Rights' along with handwritten notes. In the section called Moving Costs she notes the section explaining that she may be eligible for moving costs if she is moving for her safety or the safety of a family member however the ministry must approve her moving assistance before a move. She also requests appeal benefits while her appeal is being heard.

The appellant was not in attendance at the hearing. After confirming she had been notified of the date, time, and location of the hearing, it proceeded under section 86(b) of the Employment and Assistance Regulation.

At the hearing the ministry told the panel that the decision to deny the appellant's request was due to the fact that her need to have her storage fees paid while she seeks accommodation did not meet the legislated criteria of a moving expense. The ministry explained that for any moving expense to be considered, it must be approved prior to the person moving. In the appellant's case, there was no preapproval. The ministry continued that in some circumstances it covers the storage expenses of a recipient for a very limited time however all requests for moving or storage costs must be preapproved. The ministry understands that the appellant's father had been covering the costs of the storage facility for a period of time but was unable to continue. The ministry added that, under certain circumstances, it would continue to pay the costs of maintaining a recipient's residence while they attend a recovery program.

The panel finds that:

- The appellant moved first from her home into a treatment program for 90 days and then moved into a transitional home. She is currently seeking safe and affordable accommodation.
- The appellant has her personal belongings in a storage facility costing \$72.45 per month.
- The appellant did not receive preapproval for her storage expenses.

## PART F – Reasons for Panel Decision

The decision under appeal is the ministry's reconsideration decision that found that the appellant was ineligible to have her storage fees paid because she did not receive pre-approval for the storage expenses as required by EAR section 57.

The applicable legislation is the EAR section 57 which states:

### 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;
  - (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 20[*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 argument of the appellant is that she is eligible to have the cost of storing her personal

belongings covered by the ministry because she is moving for her safety and that is a qualifying circumstance under the legislation.

The argument of the ministry is that the appellant does not qualify to have her storage costs covered because she did not receive prior approval from the ministry before her move and that her move to the transition home does not meet the criteria listed in the EAR section 57.

The panel acknowledges the appellant's comments that the ministry made some errors in the reconsideration decision in terms of her address, the name of her recovery program, and the number of moves she has made however the panel finds that these errors are not material to the outcome of the reconsideration decision.

The panel considered the appellant's argument that the storage fees are part of her move that she made to avoid imminent danger by going to a recovery program. The legislation provides circumstances that a recipient can have his or her moving costs covered by the ministry. These circumstances are:

1. Move to where the recipient has confirmed employment.
2. Move because the recipient's current residence has sold or is being demolished.
3. Move to improve the recipient's living circumstances,
4. Move in order to reduce the recipient's living costs
5. Move to avoid imminent threat to the recipient's physical safety.

The panel reviewed the ministry's reconsideration decision. The ministry noted the appellant's initial move to the recovery program was to avoid imminent threat to her safety; however, the appellant's subsequent move from the recovery program to the transitional house was not to avoid an imminent threat to her safety. At the hearing the ministry did not offer any further explanation as to why one move does meet the legislated criteria and the other did not except to say that when a recipient moves into a recovery program, the ministry will occasionally maintain the recipient's residence while he or she attends the program. This kind of arrangement may have been appropriate in the appellant's case, however, since the appellant did not seek preapproval, this option was not explored.

Regarding the requirement that an appellant seek preapproval for any moving expenses prior to the costs being incurred, EAR section 57(3)(b), the panel notes that the appellant placed her belongings into the storage facility in January 2014 and requested the ministry cover the costs on May 9, 2014. As the legislation requires that a person must receive the minister's preapproval, the panel finds that the ministry was reasonable when it determined that the appellant did not have the requisite preapproval.

The panel finds that the ministry's decision was a reasonable application of the applicable enactment in the circumstances of the appellant and confirms the decision.