



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated August 6, 2014 which held that the appellant was not eligible for a moving supplement as the appellant did not move to confirmed employment; to another province or country; to another area of the province to avoid an imminent threat to his family’s physical safety; or within the municipality or unincorporated area or to an adjacent municipality or unincorporated area as required by section 55(2) of the EAPWDR.

PART D – Relevant Legislation

Employment and Assistance for Person’s with Disability Regulation, section 55 (the “EAPWDR”).

PART E – Summary of Facts

The appellant is a recipient of disability with no dependent children.

The evidence before the Ministry at reconsideration included the following documents:

1. Rules and Regulation of the Mobile Home Park dated June 1, 2014 noting the monthly rental as \$370;
2. Quote from a moving company dated June 4, 2014 to move the appellant to the new location in the amount of \$2,541.00;
3. Quote from a moving company dated June 4, 2014 to move the appellant to the new location in the amount of \$1,700.00;
4. Quote from a moving company dated June 11, 2014 to move the appellant to the new location in the amount \$2,247.00; and
5. Shelter Information form dated June 19, 2014 listing the appellant as the client for the mobile home park with the rental amount listed as \$275.
6. Employment and Assistance Request for Reconsideration dated July 24, with the following written submissions:
 - a. The appellant reduced the cost of his rent from \$885 per month to \$275 per month;
 - b. The appellant searched their municipality during the month of April 2014 to June 2014 for a modular home park that would accept his 1972 modular home and no home park would accept the modular home because it was too old;
 - c. The appellant was given the modular home by a friend to help him and his wife;
 - d. The appellant searched adjacent municipalities and was refused because of the age of the modular home;
 - e. The appellant searched the none adjacent municipalities and finally found a home park;
 - f. The appellant could also not find any home park with vacancies;
 - g. The appellant's choice is to live in the city he moved from as his children and grandchildren continue to reside in the city;
 - h. The town the appellant moved to is not within the municipality but it is part of the same district; and
 - i. The appellant and his wife are physically unable to move themselves.

In the Notice of Appeal dated August 22, 2014 the appellant submitted the following written submissions:

1. The appellant did not want to leave the city but he received an unexpected gas bill in the amount of \$1,500.00 when the gas companies changed ownership.
2. The appellant's projected gas bills were \$382 per month and the cost of living exceeded his income;
3. The appellant did everything in his power to find a home within the adjacent municipalities but no one would accept a 1972 modular home and if they did not move they would have been homeless July 1, 2014; and
4. The moving company arrived with a truck that was too small and the appellant had to rent a truck and hire movers the next day to move the rest of his stuff and he could not afford to.

At the hearing, the Appellant provided the following additional oral evidence:

1. The appellant was paying \$885 not \$850 as noted in the Reconsideration Decision;
2. The appellant noted the discrepancy on the Rules and Regulations form and the Shelter information form and confirmed that he is paying \$275 for rent;
3. The appellant thought he was approved for the moving supplement on June 3, 2014;
4. The appellant believed that he was approved for the moving supplement on June 3, 2014 upon bringing in the requested documents;
5. The appellant received notice by regular mail on June 27, 2014 that he was not approved for the moving supplement which was two days prior to his move;
6. The appellant paid \$8,000 to have his mobile home moved to the new location. The appellant expected to pay this moving costs and arranged to borrow the money from his mother; and
7. The appellant borrowed all the costs of moving from his mother.

At the hearing, the ministry provided the following additional oral evidence:

1. The ministry explained that the process of approval for a moving supplement includes the applicant providing three quotes in writing and a shelter information sheet to the ministry. Once the documents are received, the ministry reviews the documents and determines whether the applicant is eligible for assistance. The determination is then communicated to the applicant prior to the applicant incurring costs.

The panel finds that the additional evidence provided by the Appellant clarified his situation and was admissible under section 22(4) of the *Employment and Assistance Act* as it was in support of the records before the Ministry at reconsideration.

PART F – Reasons for Panel Decision

The issue is whether the Ministry's decision to deny the appellant a moving supplement pursuant to section 55 of the EAPWDR is a reasonable application of the circumstances of the appellant or is reasonably supported by the evidence.

Section 55 of the EAPWDR gives the ministry authority to provide supplements for moving, transportation and living costs providing the applicant meets specific criteria under this section.

Specifically section 55(2)(d) allows the ministry to assist with moving costs that are required, among other things, to move within or to an adjacent municipality or unincorporated area if the shelter costs would be significantly reduced as a result of the move.

Section 55 of the EAPWDR states the following:

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*]. (B.C. Reg. 275/2004)

(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 (1) (f) or (g), the least expensive appropriate living costs. (B.C. Reg. 275/2004)

The Ministry's Position

The ministry found at reconsideration that the appellant's shelter costs would be significantly reduced as a result of a move, but they were not satisfied that the appellant moved within or to an adjacent municipality or unincorporated area pursuant to section 55(2)(d)

The ministry held that there are two municipalities that lie between the appellant's then place of residence and his new place of residence which prevents the new residence from being considered an "adjacent municipality" as required by the legislation.

The ministry further found that the appellant did not meet any of the additional moving supplement eligibility criteria under section 55(2) including moving to satisfy the following requirements:

1. To anywhere in the country for confirmed employment if the employment would significantly promote financial independence which required the appellant moving pursuant to section 55(2)(a);
2. To another province or country to improve living circumstances pursuant to section 55(2) (b);
3. To within the municipality or unincorporated area or an adjacent municipality or unincorporated area because the family unit's accommodation is being sold or demolished and notice to vacate has been given or it has been condemned pursuant to section 55(2)(c); or
4. To an area in the province to avoid an imminent threat to his physical safety pursuant to section 55(2)(e).

The Appellant's Position

The appellant did not dispute he did not meet the requirements of sections 55(2)(a)(b)(c) or (e), but argued on the basis of section 55(2)(d). The appellant argued that the first available modular home park that would accept his 1972 modular home was three municipalities away from where he currently lived and although it is not within his municipality or an unincorporated area or an "adjacent municipality" or unincorporated area it was part of the same district and therefore should meet the

requirements this section.

The Panel's Decision

The legislation states that in order for the appellant to be eligible for a moving supplement the appellant must, among other things, be moving within or to an adjacent municipality or unincorporated area to meet the requirements of section 55(2)(d).

The appellant acknowledged that his new place of residence is not within his municipality or an adjacent municipality or unincorporated area, but argued that it was a part of the same district. The appellant indicated that he and his wife searched within his municipality, adjacent municipalities and unincorporated areas and was forced to look in neighboring municipalities and unincorporated areas until he located a modular home park that would accept his 1972 modular home that was gifted to him by a friend.

Section (2)(d), however, is clear in that ministry is permitted to assist with moving costs that are required, among other things, to move within or to an adjacent municipality or unincorporated area if the shelter costs would be significantly reduced as a result of the move. The appellant admits that the reasons he moved to a neighboring municipality were beyond his control and while it is unfortunate that he was unable to find suitable accommodations that were in his municipality or adjacent to his municipality the legislation clearly states that the move must be "within" or "to an adjacent municipality" and therefore prevents the ministry from assisting the appellant with his moving costs.

For these reasons, the panel finds the ministry's determination that the appellant did not move within or to an adjacent municipality or unincorporated area pursuant to section 55(2)(d).