

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) Reconsideration Decision of September 3, 2014 in which the ministry found that the appellant was ineligible for a moving supplement because she did not meet any of the criteria for a moving supplement under Section 55 (2) of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR).

PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation (EAPWDR), Section 55

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that she had been notified of the hearing more than two business days prior to the hearing date the panel proceeded under Section 86(b) of the Employment and Assistance Regulation (EAR).

The evidence before the ministry consisted of the following documents:

- Request for Reconsideration dated August 21, 2014 in which the appellant stated:
 - the ministry had twice approved her request for a moving supplement by telephone and had issued a damage deposit to her new landlord in City B;
 - her mover was told by the ministry that the request was being processed;
 - she was aging and needed to be closer to her daughter for assistance;
 - this has been stressful and has made her health decline.
- 2 page handwritten moving invoice for \$1,102.07 (Quote 1) dated July 2, 2014 (sic) in which the mover wrote: "I was phoned 2 times and you were processing the job on July 30th and on Friday August 1st. You sent her to pick up a check and you told her you cannot pay for the move. Now I am out of pocket in cash \$662.07."
- 2 page truck rental receipt for \$362.07 indicating that the truck was rented for a 24 hour period on August 1 and 2, 2014;
- gasoline receipt for \$100.00 dated August 2, 2014.

In her Notice of Appeal dated September 16, 2014 the appellant stated that she disagreed with the Reconsideration Decision because her health was getting bad and she needed to be close to her daughter, and that her residence in City A was damp and had mold issues. She added that she was told by the ministry that her request [for a moving supplement] had been processed and she had been given a damage deposit for her new residence in City B. She concluded by writing that the situation had been a huge stress to her and had made her health worse.

In the Reconsideration Decision the ministry states that:

- the appellant is a single woman with Persons with Disabilities (PWD) designation
- on July 16, 2014 she advised the ministry of her plan to move from City A to City B in another part of the province
- on July 17, 2014 she submitted a Shelter Information form denoting her new address in City B.
- on July 22, 2014 she contacted the ministry to enquire about the status of her request for a moving supplement. The ministry worker reviewed the file and did not find a moving supplement request, but acknowledged that the appellant had notified the ministry of her intention to move and had asked the ministry for a security deposit for her new residence. The appellant explained that she had to move out of her old residence for health reasons, because it was being treated for mold and a mite infestation. She added that by moving to City B she would be closer to her daughter, her rent would be lower, and she had a lead on a part time job.
- also on July 22, 2014 the appellant provided 2 moving quotes to the ministry: one for \$1,100 (Quote 1) and the other \$1,500 (Quote 2).
- on July 25, 2014 the appellant's shelter allowance and security deposit were processed.
- on July 30, 2014 the appellant again contacted the ministry enquiring about the status of her

moving supplement, and was advised by a ministry worker that her situation did not meet any of the eligibility criteria for a moving supplement in the legislation. The appellant told the ministry that she was under the impression that her request had already been approved. After reviewing the file the ministry worker again told the appellant that no decision had been made regarding a moving supplement.

- on August 1, 2014 a ministry worker contacted the appellant and told her that her request for a moving supplement could not be approved without medical confirmation that she was required to move as a result of a health condition. The appellant told the worker that her request for a moving supplement had already been approved by the ministry. The ministry worker advised the appellant that her request for a moving supplement was denied.

At the hearing the ministry representative explained that for privacy reasons it was highly unlikely that a ministry worker would have provided information about the client's file to a third party such as a moving contractor, and if a worker had provided information to the mover it would have been noted in the appellant's file: "you talk, you doc". The ministry representative confirmed that there are no notes in the appellant's file of a conversation or communication between the ministry and the mover.

The ministry representative added that a request for a moving supplement can be verbal, and ministry notes indicate that the appellant requested a moving supplement on July 22, 2014 when she submitted the two moving quotes. There is no evidence in the ministry's file that a moving supplement was approved.

The panel reviewed the ministry's oral evidence and determined that it was admissible under Section 22 (4) as testimony in support of the information before the ministry at the time of reconsideration, because it clarified the ministry's procedure in dealing with client file information requests from unauthorized persons.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry decision which determined that the appellant was ineligible for a moving supplement because she did not meet any of the criteria for a moving supplement under Section 55 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR).

The criteria for eligibility for a moving supplement are set out in Section 55 of the EAPWDR:

Supplements for moving, transportation and living costs

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;

(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 appellant argues that she had to leave her residence in City A because there were mold and mite problems that affected her health, and that she moved to City B to be nearer to her daughter who would be a support to her. She adds that in City B her rent would be lower and there was a possibility of a part-time job. She argues further that the ministry told her that her request was being processed and that her mover was also told by the ministry that her moving supplement was being processed.

The ministry argues that because the appellant's circumstances did not meet any of the eligibility criteria for a moving supplement found in EAPWDR Section 55 (2), she was ineligible for a moving supplement.

Panel Decision

Subsections (a) – (e) of EAPWDR Section 55 (2) set out five criteria under which moving costs may be provided:

- Subsection (a) is restricted to assisting a recipient who moves anywhere in Canada because she/he has arranged confirmed employment and the move is required to confirm that employment. The appellant has not provided evidence that she is moving to City B because she has arranged confirmed employment.
- Subsection (b) applies only to a move to another province or country. The appellant is not leaving the province.
- Subsections (c) and (d) apply only to a move within the same municipality or an adjacent municipality. City B is not adjacent to City A. Therefore even though the Ministry accepted that the Appellant's rent is significantly reduced neither of these criteria is applicable to the appellant's circumstances.
- Subsection (e) allows the ministry to assist with moving costs to another area in British Columbia to avoid an imminent threat to the physical safety of the recipient or the recipient's family. Although the appellant claimed that she had to leave her accommodation in City A because it had mold and mite issues she did not provide additional evidence from a health practitioner as requested by the ministry to satisfy the ministry that her physical safety was imminently threatened.

In conclusion the panel finds that the ministry's decision that the appellant was ineligible for a moving supplement under Section 55 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) because she did not meet any of the moving supplement eligibility criteria under EAPWDR Section 55 is a reasonable application of the applicable enactment in the circumstances of the appellant, and confirms the decision.