

**PART C – Decision under Appeal**

The appellant appeals the reconsideration decision of the Ministry of Social Development and Social Innovation (ministry) dated November 26, 2014, in which the ministry denied her request for a \$500 moving supplement on the basis that the appellant did not meet the required criteria set out in section 57(2) of the *Employment and Assistance Regulation* (EAR). The ministry determined that the appellant had not provided information showing that she was moving from one location to another within the province to avoid an imminent threat to her physical safety, as required by subs. 57(2)(e) of the EAR.

**PART D – Relevant Legislation**

*Employment and Assistance Regulation* (EAR) section 57.

## PART E – Summary of Facts

The appellant receives monthly income assistance as a single recipient.

The information before the ministry at reconsideration included the following documents:

- A copy of a ministry shelter information form dated June 30, 2014 indicating the appellant's portion of rent was \$300/month rent at a residence she shared with a roommate;
- A copy of a ministry shelter information form dated October 19, 2014 indicating the appellant's portion of rent is \$400/month (out of a total of \$900/month) at the new residence she shares with her roommate, with a handwritten note that the appellant's roommate pays all utilities, the appellant only pays rent;
- A copy of a residential tenancy agreement (4 pages) signed by the appellant and her roommate on October 19, 2014 for the new residence;
- A letter dated October 20, 2014 to the appellant's roommate from BC Housing Shelter Aid for Elderly Renters (SAFER) program requesting a current rent receipt;
- A letter from the appellant's roommate dated October 20, 2014 in which the roommate stated that she is moving/moved to a new location in the province for employment, that she is both the appellant's roommate and primary caregiver and the appellant is moving with her to the new location. In this letter, the appellant's roommate writes that she thinks it is reasonable to request \$500 from the ministry for moving the appellant's personal belongings to their new location;
- Copies of handwritten submissions from the appellant's roommate (6 pages) discussed below;
- A copy of a moving estimate dated October 22, 2014 indicating that the cost of moving the appellant's belongings from their storage location to the new residence is \$2,310.00;
- A copy of a moving estimate (not dated) indicating the cost of moving the appellant's belongings from their storage location to the new residence is \$2520.00; and
- The appellant's 3-page hand-written submissions on reconsideration dated November 17, 2014 (discussed below).

In their written submissions on reconsideration, the appellant and her roommate indicate that they have been friends for 32 years and the appellant moved in with her roommate sometime after the appellant's mother died. The roommate indicated that before she moved in with her, the appellant was living in the basement of a family member's house, but she had no heating, was sleeping on a couch, and was in very poor health as there was a mold problem and the appellant has COPD. Before they moved to their new location, the appellant paid \$300 per month rent to her roommate, who is also on fixed income and has housing assistance through the SAFER program. The roommate moved to the new location for employment. Both the appellant and her roommate indicate that the appellant's health has improved in their new location as the air is drier (there is no mold and no one in the house smokes) and she is able to get out.

At the hearing, the appellant and her roommate repeated to the panel the submissions to the ministry at reconsideration. They told the panel that the appellant's belongings are being stored at no charge at the home of a friend of the roommate close to their previous location. They said that the roommate's friend has offered to drive the appellant's belongings to their new location, but has asked for \$500 for gas and other expenses. They also told the panel that the appellant is in the process of having another test for her COPD, her health has improved since they moved, but she still has problems and is connecting with services in their new community. The panel admits the testimony of

the appellant and her roommate at the hearing as oral testimony in support of information that was before the ministry when the decision being appealed was made, under section 22(4) of the *Employment and Assistance Act*.

In its reconsideration decision, the ministry noted that the appellant is a sole recipient of income assistance. The ministry noted in the reconsideration decision that the appellant did not provide information that she was moving to the new location for confirmed employment (the roommate moved for employment, but the appellant is not employed), or that she was moving to another province or country, and that the new location is not an adjacent municipality to the appellant's former community. The appellant and her roommate did not disagree with these findings in the ministry's reconsideration decision.

## PART F – Reasons for Panel Decision

The issue on this appeal is whether the ministry's decision to deny the appellant's request for a \$500 moving supplement on the basis that she did not meet the criteria set out in section 57(2) of the EAR is reasonable.

The criteria to be applied by the ministry on a request for a moving supplement are set out in section 57 of the EAR as follows:

(1) In this section:

...

"moving cost" means the cost of moving a family unit and its personal effects 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 ... 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) ....

(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) ...

The appellant's position is that she needs the \$500 moving supplement to pay to move her belongings from where they are being stored at the house of her roommate's friend to her new home in a different town in the province. The appellant agreed that she did not have an estimate from her roommate's friend to provide the ministry showing that the cost of moving her belongings to their new location would be \$500. The appellant says that she had to move to her new location so that she could continue to live with her roommate who is also her primary caregiver. The appellant and her roommate argued that if the appellant had not moved to the new location but had returned to her previous living arrangement in the basement of a family member's home, her COPD would have become much worse than it is, her health and well-being would suffer, and that this constitutes an

imminent threat to her physical safety.

The ministry stands by its reconsideration decision which found that the appellant does not meet the legislative criteria under subs. 57(2) for a moving supplement. The ministry noted that the appellant was not moving for confirmed employment, so she did not meet the criteria set out in subs. 57(2)(a). The ministry noted the appellant was not moving to another province or country, so she did not meet the criteria under subs. 57(2)(b). The ministry determined that because the appellant's rent increased from \$300/month to \$400/month with the move, her previous accommodation was not being condemned, sold or demolished, and the new location was not adjacent to the municipality where she and her roommate had been living, she did not meet the criteria under subs. 57(2)(c) or (2)(d). At the hearing, the ministry noted that the appellant's COPD is a chronic condition, as opposed to a condition that poses an imminent threat. The ministry found that the appellant had not provided information that she was moving to the new location to avoid an imminent threat to her physical safety, noting at the hearing that the appellant's doctor had not indicated that the appellant's health was threatened by staying at the previous location, so she did not meet the criteria in subs. 57(2)(e).

In order to receive a moving supplement under section 57 of the EAR, an applicant must meet the criteria set out in subs. 57(2) – if the applicant does not meet the criteria, the moving supplement will not be provided. The panel notes that the appellant did not disagree with the ministry's finding that she does not meet the criteria set out in subs. 57(2)(a), (b), (c) or (d). The appellant argues that her health and well-being and her COPD have improved by moving with her roommate to the new location, so she should meet the criteria set out in subs. 57(2)(e). However, subs. 57(2)(e) requires that the move for which the moving costs are requested must be to avoid an imminent threat to the physical safety of the appellant and the panel notes that the appellant did not provide information that she was moving to avoid an imminent threat to her physical safety, such as information from her doctor regarding her prior living conditions and confirming that these conditions posed an imminent threat to her physical safety.

The panel finds that the ministry's determination that the appellant did not meet the requirement of subs. 57(2)(e) was reasonable, as there was no evidence from the appellant before the ministry that she was moving to avoid an imminent threat to her physical safety. The panel therefore confirms the ministry's reconsideration decision.