

### PART C – Decision under Appeal

The decision under appeal is the ministry's reconsideration decision dated November 10, 2014 that denied the appellant's application for funds to cover the costs of storing his personal belongings for the month of August 2014. The ministry found that he did not receive pre-approval for the expense and that he had personal resources to meet the expense 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:

- A hand written receipt issued by the appellant's father for \$605 dated September 1, 2014. The receipt states the money was for "moving truck, 2 men, and storage."
- An email exchange dated September 2, 2014 between the appellant and a local charity organization. In the email the appellant explains details about the people he hired to move his belongings and how they determined the fee they charged him.
- A quote from a local moving company dated August 28, 2014. It stated the rate for moving is \$99 per hour for two movers and a truck.
- A shelter information form dated July 31, 2014 showing the appellant will be moving to a new residence the following day on August 1, 2014. The new rent rate will be \$400 per month including utilities.
- A shelter information form dated May 23, 2013 showing the appellant moving to his previous address. The rent rate was \$520 per month plus utilities.
- A request for reconsideration form completed by the appellant dated November 10, 2014. He writes:
  - a. His moving costs were approved after he paid for them.
  - b. The ministry's slow process is responsible for the delay in moving the items.
  - c. He was told there was a great deal of miscommunication between the charity organization and the ministry and none of this was his fault.
  - d. The storage cost can be paid to his father directly because his father paid for the storage.

The appellant was not in attendance at the hearing. After confirming he had been notified, the hearing 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 for storage costs was because the appellant didn't include these costs when he submitted his request to the ministry and therefore he did not receive preapproval for the expense. The ministry added that it is unclear why his items needed to be stored since he received shelter allowance for August so his belongings would have been in his residence with him. The ministry was not informed that the appellant was without a residence for the month of August. The ministry noted that the quotes for moving that the appellant provided to the ministry did not include storage fees nor has the appellant provided the ministry a separate receipt providing details of the storage fees including when and where his items were stored. The ministry stated that since the storage fees had already been paid for by the appellant when he requested reimbursement, it is evident that the appellant had the recourse to meet the expense.

## PART F – Reasons for Panel Decision

The decision under appeal is the ministry's reconsideration decision that found the appellant was ineligible to have his storage fee paid because he did not receive pre-approval for the storage expense and because the ministry found that he had personal resources available to meet the expense.

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 he is eligible to have the cost of storing his personal belongings covered by the ministry because the ministry was unreasonably slow in processing his request to have his moving expenses covered.

The argument of the ministry is that the appellant does not qualify to have his storage costs covered because he did not receive pre-approval for the storage expense and because the ministry found that he had personal resources available to meet the expense.

The panel considered that ministry's evidence that the appellant's request for moving fees did not include a fee for storage. The appellant did not inform the ministry that he would require storage as part of his move. The panel considered EAR 57(3) that requires that the moving supplement be pre-approved. As the minister did not approve the appellant's storage fees prior to the expense being incurred, the panel finds the ministry was reasonable to find the appellant was ineligible to have the expense reimbursed.

The panel finds the ministry was reasonable to determine the appellant had resources to cover the costs of storage. The evidence that the panel relied on was the receipt dated September 2, 2014 showing \$605 had been paid for moving and storage.

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.