

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“Ministry”) December 18, 2014 reconsideration decision denying the Appellant’s request for a moving supplement in the amount of \$500, stating the Appellant did not meet the criteria outlined in Section 55 of the EAPWD Regulation for a moving supplement; the move did not fall within any of the eligible circumstances set out in (2), and the requirement of (3) were not met as the Appellant had other resources to cover the moving costs, and did not receive prior approval before incurring the cost.

### PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities (EAPWD) Act, Section 5.  
Employment and Assistance for Persons with Disabilities (EAPWD) Regulation, Section 55

## PART E – Summary of Facts

### **The Ministry had the following evidence at the time of the reconsideration based on information in its records:**

On November 3, 2014, the Appellant advised the Ministry that he had moved from one community in BC to another community in BC. The Ministry noted that he had not received prior approval for the moving costs.

On November 4, 2014, the Appellant submitted a shelter information form indicating that the current rent would be \$320/month plus utilities. The Appellant requested reimbursement of \$500 for moving costs which represented his “share” of the costs, plus a receipt confirming that the moving costs were paid on November 2, 2014.

On November 17, 2014 the Ministry determined the Appellant was not eligible for a moving supplement, as he had not demonstrated that his move met the criteria under the legislation.

- The Appellant moved from one area of British Columbia to another area in British Columbia as there are many municipalities between the two communities, the Appellant did not move to an adjacent municipality. The Appellant’s total shelter costs increased from \$350 / month to \$320/month rent plus utilities which amounts to \$380 per month.
- The Appellant had not reported or provided information that his previous accommodations were being sold, demolished or condemned.
- The Appellant had not reported or provided information showing he was moving to confirmed employment.
- The Appellant did not move out of the province or country.

### **The Appellant provided the following evidence prior to reconsideration:**

- A note from the Appellant date stamped Nov 7, 2014, stating that he “piggy backed” his move with an acquaintance’s move. The total cost for the truck rental and gas was \$1240.68 of which the Appellant’s portion was \$500, which he still owes.
- On the Request for Reconsideration dated December 11, 2014, the Appellant indicated that he did not realize that the move had to be pre-approved and due to the move happening in a rush, he had no time to figure out what he should do. He was told that if he didn’t take the place for November 1, he may not get another chance at housing. An acquaintance was also moving and offered to get a bigger truck to help him move at the same time.
- A note on the Request for Reconsideration stating that the Appellant must pay his moving debt at \$100 per month, which leaves him without much food to eat, and requesting that the Ministry take into consideration that the Appellant is on disability for being mentally challenged.

### **The Appellant provided the following information after reconsideration:**

- On the Notice of Appeal dated December 28, 2014, the Appellant stated he knew of no other vacant place available on such short notice, and that he had to be out by October

30, 2014 because his landlord moved out. He states his is from the community that he moved to and is familiar with the area, but not the towns in between that city and the city he moved from. He states he has not paid his share of the move yet and he still owes \$500.

- On the handwritten note along with the Notice of Appeal, the appellant stated it is not easy to find cheap accommodation. He is mentally challenged and because he is a very large man, people are frightened by him even though he is not violent and does not drink, smoke or use drugs. He also states he has never asked the ministry for extra help in the past, and that if he has to pay this himself it will have to come out of his grocery money. He also states that people in this town know him, he is liked, and he is comfortable here, and that wasn't true of the community from which he moved. He states he has friends living in the same complex and that it's nice, big and clean. He is sorry that he "screwed up" and states he wishes he had gone to see the Ministry before he left.

The Panel finds that this evidence is in support of the information and records that were before the Minister when the decision being appealed was made, and is admissible as per Section 22(4)(b) of the Employment and Assistance Act.

**The following corroborating evidence was included in the appeal record:**

- A receipt dated October 29, 2014, indicating payment of \$500 from the Appellant for his portion of the truck rental.
- A copy of the truck rental agreement, issued in the name of the Appellant's acquaintance.
- A Shelter information form dated November 3, 2014, indicating the Appellant's landlord is a senior citizen housing society, which the Appellants portion of the rent is \$320 and a security deposit of \$223.50 is required.
- A handwritten note from the Appellant dated November 7, 2014 requesting \$500 moving supplement.
- A receipt dated November 3, 2014, for November rent in the amount of \$320.
- The Request for Reconsideration dated December 11, 2014.

## PART F – Reasons for Panel Decision

The issue before the Panel is whether the Ministry reasonably denied the Appellant a moving supplement in the amount of \$500 because the Appellant's move did not meet the conditions set out in Section 55 of the EAPWD Regulation.

### **Section 5 of the EAPWD Act states,**

Disability assistance and supplements

**5** Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

### **Section 55 of the EAPWD Regulation States:**

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;

(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*].

(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.

[am. B.C. Reg. 275/2004, s. 2.]

The Ministry argues that the Appellant had other resources available to cover the moving costs, and did not receive approval prior to incurring those costs, as per the requirement in Section 55(3) of the EAPWD Regulation. The Appellant argues that he was not aware that he needed prior approval, and was in a rush to move so he didn't have time to check. He argues that he still owes the money even though the moving costs have been paid. The Panel finds that the Ministry reasonably determined that the Appellant did not meet the requirements in Section 55(3).

The Ministry argues that the Appellant does not meet the requirement in 55(2)(a) as he has not indicated that he moved for confirmed employment. The Appellant does not dispute this. The Panel finds that the Ministry reasonably determined that the Appellant did not meet the requirement in Section 55(2)(a).

The Ministry argues that the Appellant does not meet the requirement in 55(2)(b) as the Appellant did not move out of the province or country. While the Appellant does not dispute this, he does argue that he feels more supported and comfortable in his new home as he has established a social network that was lacking in the previous community. The Panel finds that the Ministry reasonably determined that the Appellant did not meet the requirement in Section 55(2)(b).

The Ministry argues that the Appellant does not meet the requirement in 55(2)(c) as he did not move to an adjacent municipality, as there are several municipalities between the two communities. The Appellant argues that he is not familiar with those communities, and that he had to move because his landlord had moved out. The Panel finds that the Ministry reasonably determined that the Appellant did not meet the requirement in Section 55(2)(c).

The Ministry argues that the Appellant does not meet the requirement in 55(2)(d) as he did not move within his community or to an adjacent community, and his shelter costs have not been significantly reduced as a result of the move. The Appellant argues that it is difficult to find cheap accommodation, and that he is not familiar with the other communities that lie in between his new community and the one from which he moved. The Panel finds that the Ministry reasonably determined that the Appellant did not meet the requirement in Section 55(2)(d).

Neither party has argued that the Appellant moved in order to avoid an imminent threat to his physical safety, or that the move was related to a child protection hearing as required under 55(2)(e),(f) and (g), respectively. The Panel finds that the Ministry reasonably determined that the Appellant did not meet the requirement in Section 55(2)(e) and (f).

The Panel finds that the Ministry's decision to deny a moving supplement under section 55 was a reasonable application of the legislation in the Appellant's circumstances.