

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the “ministry”) dated January 19, 2015, in which the ministry denied the appellant's request for a moving supplement under section (s.) 55 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), because she did not meet any of the criteria set out in s. 55(2) required to receive a moving supplement.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 55.

PART E – Summary of Facts

The following evidence was before the ministry at the time of reconsideration.

- The appellant's Request for Reconsideration form signed by the appellant January 11, 2015. In Section 3 of the form the appellant writes it is stated in the rules that a person must be moving into a place where the rent is cheaper than where they are living, but how is this possible when you are moving out of a treatment centre? My furniture is still sitting in the common area of the treatment centre and when I went to visit the other day people are actually using "My" furniture. I've been in treatment for 2 years and just want to move forward with my life and be able to bring my stuff with me. The treatment centre doesn't help with moving and I do not know anyone with a truck. I'm just asking for help to move my stuff.
- A ministry Shelter Information form dated March 20, 2013, providing the following information - the appellant's address as of March 20, 2013 - sole occupancy - rent of \$450.00 per month - utilities included and no security deposit required.
- A ministry Shelter Information form dated November 30, 2014, providing the following information - the appellant's address as of January 1, 2015 - sole occupancy with her son coming on weekends - rent of \$500.00 per month - utilities not included and a security deposit of an unspecified amount being required.
- Ministry records show that the appellant's file was reopened in 2011 and that she is currently receiving disability assistance as a sole recipient. On March 21, 2013, the ministry received the appellant's Shelter Information form showing she moved to a new accommodation March 20, 2013, paying \$450.00 per month rent with utilities included. These accommodations are operated by a not for profit society which operates a treatment program. On December 3, 2014, the ministry received the appellant's Shelter Accommodation form showing she was moving to another accommodation in the same municipality, and would be paying \$500.00 rent per month plus utilities, effective January 1, 2015. On January 2, 2015, the appellant requested a moving supplement stating that she could not afford to move her furniture and had received a quote for the move of \$134.00. The ministry determined that she was not eligible to receive a moving supplement. On January 14, 2015, the ministry received the appellant's signed Request for Reconsideration stating that - her furniture was sitting in a common area of the building she had recently vacated - she has been in treatment for 2 years, and she just wants to be able to move and bring her stuff with her - the treatment program does not help with the cost of moving and she does not know anyone with a truck.

After the ministry's Reconsideration Decision and prior to the Hearing the appellant submitted the following to the Tribunal:

- A Notice of Appeal signed by the appellant January 23, 2015. In the Reason for Appeal section of this document the appellant reports that she is on disability assistance and has no way for moving her furniture and that because of this her furniture is still sitting at the treatment centre program where she lived. This furniture is not cheap replaceable furniture. She has already moved to her new place and has tried everything to get her belongings. She does not know anyone with a truck nor does she have the funds to offer anyone. She lived in the treatment program for 2 years and would just like to move on with her life without an empty apartment. The appellant then goes on to present argument as to why she believes the ministry's decision is unreasonable which the panel will consider in Part F of its' decision.

Both the appellant and her advocate attended the hearing.

The appellant reported that the reason she moved out of her apartment at the treatment program was because she had successfully completed her program and as a result was required to move. This was confirmed by her

advocate. In response to a question from the panel regarding her eligibility for a moving supplement the appellant clearly stated that she realizes that she did not meet any of the listed criteria in s. 55(2) of the EAPWDR but that it was impossible for her to find cheaper housing than she had while in treatment and that she does not have the financial resources required to have her belongings moved to her new apartment.

The ministry stood by the record at reconsideration. (See Part F, Reason for Panel Decision).

The panel admitted the appellant's written submission included with her Notice of Appeal dated January 23, 2015 and her oral testimony at the hearing under s. 22(4) of the EAA as they were found to be in support of the records before the minister at reconsideration and helped to clarify her reasons for appealing the ministry's decision. The ministry did not object.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's determination that the appellant is not eligible to receive a moving supplement under s. 55 of EAPWDR because she did not meet any of the criteria set out in s. 55(2) required to receive a moving supplement, was a reasonable application of the legislation or reasonably supported by the evidence. In arriving at their decision the ministry relied upon the following:

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;

The appellant's position is that she recognizes she does not meet any of the criteria set out in s. 55(2) subsections a - e of the EAPWDR required to receive a moving supplement but should be eligible given that she did not choose to move, but rather moved because she had successfully completed her treatment program, and that it was impossible to find cheaper housing than what she had been living in while in treatment. The appellant also argued that she does not have the required financial resources to pay to have her belongings moved to her new residence.

In her Notice of Appeal the appellant argued that she lost everything due to her addiction and that over the last two years has worked hard for the money she has used to acquire some nice furniture and various other household items. She further argued that even if she knew someone with a truck that could move her belongings she wouldn't have the money to pay them to do the job because all she has left is \$350.00 after paying her bills each month and that this does not include utilities. In addition her son comes to live with her every weekend and as she doesn't receive any extra assistance for this she just doesn't have the extra money to pay to have her belongings moved. The appellant contacted several moving companies and found one which offered a very low rate of \$134.00 to move her belongings. The appellant concluded her argument at the hearing stating that because of her unique circumstances she should be eligible for a moving supplement.

The ministry's position is that the appellant is not eligible to receive a moving supplement under s. 55 of EAPWDR because she does not meet any of the applicable criteria set out in s. 55(2) required to receive a moving supplement and that this section of the Regulation does not allow for any other reasons or circumstances under which the ministry may provide a moving supplement to the appellant.

In their Reconsideration Decision the ministry argued that moving costs are defined under s. 55(1) of EAPWDR as the cost of moving a person's personal effects from one place to another. Section 55(2) of EAPWDR stipulates a supplement for moving costs may only be provided for the following specific locations and circumstances:

MOVE LOCATION	MOVE REASON
Move anywhere in Canada	Confirmed employment if the employment would significantly promote financial independence
Move to another province or country	To improve living circumstances
Move within or to an adjacent municipality	Current accommodation is being sold, demolished or condemned, or shelter costs would be significantly reduced
Move to another area within British Columbia	To avoid an imminent threat to physical safety.

The ministry argued that the appellant has not provided any information showing that she is moving to confirmed employment or to another province or country to improve her living circumstances. While the appellant indicates that she is getting out of treatment and moving into her own place, she is not moving out of province. In addition, the appellant has not provided information showing she is moving to avoid an imminent threat to her physical safety; rather she is moving out of treatment. Therefore, the ministry argues that the appellant is not eligible for a moving supplement to confirmed employment, to improve her living circumstances, or to avoid an imminent threat.

The ministry further argued that the appellant has provided no information showing she is moving within the same city because her shelter costs will be significantly reduced or because her accommodations are being sold, demolished or condemned. Furthermore, the appellant's shelter information forms show that she is moving from \$450.00 rent including utilities to \$500.00 plus utilities which is at least a \$50.00 per month increase in shelter cost. The ministry also argues that the appellant's information indicates that she is moving out of treatment and not because her accommodation is being sold, demolished or condemned. Therefore the ministry argued that the appellant is not eligible for a moving supplement because her shelter costs would be significantly reduced, or that her accommodation is being sold, demolished or condemned.

The panel finds that based on the evidence presented there is no dispute by either party that the appellant does not meet any of the applicable regulatory requirements set out above in s. 55(2) of EAPWDR required to receive a moving supplement. The appellant argued at the hearing, in her Notice of Appeal and in her Request for Reconsideration that it was impossible to find a cheaper apartment in the community than the unit she lived in while attending her treatment program, and that she does not have the required financial resources to pay to have her belongings moved to her new residence. The panel find that these reasons are not included in s. 55(2) of EAPWDR and this section of the Regulation does not allow for any other reasons or circumstances under which the ministry may provide a moving supplement to the appellant.

In conclusion based on the evidence presented the panel finds that the ministry's determination that the appellant was ineligible for a moving supplement under s. 55 of the EAPWDR because she did not meet any of the applicable moving supplement eligibility criteria set out above in s. 55(2) was both reasonably supported by the evidence and is a reasonable application of the applicable Regulation. The panel therefore confirms the ministry's decision.