

### PART C – Decision under Appeal

The decision under appeal is the ministry's reconsideration decision dated March 3, 2015 that denied the appellant's application for a moving supplement. The ministry found that his application for moving supplement met the criteria of the Employment and Assistance for Persons with Disability Regulation (EAPWDR) section 55(2)(e), moving to avoid imminent danger, however he did not receive pre-approval for the moving expense as by the EAPWDR 55(3)(b). The ministry reasoned that because the appellant had submitted only one quote for moving, it could not determine that he was using the least expensive option.

### PART D – Relevant Legislation

Employment and Assistance for Persons with Disability Regulations (EAPWDR), section 55

## PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- A receipt dated February 1, 2015 from a friend of the appellant. The receipt shows the appellant paid his friend \$150 for the purpose to, “secure and prepaid for move at end of Feb 2015.”
- A letter from the appellant’s friend dated February 12, 2015. The letter reads that he has offered the appellant a discounted rate of \$150 to move his belongings to his new home but the regular price for the move would be \$300.
- A Shelter Information Form completed by the appellant dated January 30, 2015. The form states the appellant will be moving to a new home on February 15, 2015.
- A copy of a business card from a police officer including a police file number.
- A letter dated February 26, 2015 from the appellant. The letter states:
  - He had to move homes because he was in imminent danger to his health and safety.
  - There was no other mover that would move him for \$150
  - The ministry should reimburse his moving costs due to exceptional circumstances

At the hearing an observer from the ministry attended. The appellant had no objections to her attendance.

At the hearing the appellant submitted one piece of new evidence. He submitted a moving quote from a moving company dated March 24, 2015. The document quotes the cost to move the appellant to his new home will be \$315 plus tax. The appellant told the panel that this quote supports his argument that the single quote he received was the least expensive option available.

The Employment and Assistance Act section 22 (4) allows the panel only to admit as evidence oral or written testimony in support of the information and records that were before the minister when the decision being appealed was made. The panel finds that the new moving quote meets this criterion and is therefore admissible as evidence. The panel finds the additional quote does offers supporting, or corroborating, evidence. The panel finds that the second quote submitted at the hearing does support evidence the ministry had by providing a comparable cost for the appellant’s moving service.

At the hearing the appellant told the panel that he had to move homes because near the end of January 2015 his neighbor assaulted him and threatened to assault him again in the future. He filed a police report and found a new place to move. He submitted a Shelter Information form with the ministry and explained his situation regarding the assault to the ministry. He explained that the ministry told him he could move because he was in imminent danger and that he needed to submit quotes for his moving expenses. He told the panel that he had trouble getting quotes from moving companies because they told him that they don’t do “ministry moves” where they move people that are receiving ministry assistance payments. He said he told the ministry he was having difficulty getting more than one quote but he can’t recall their response. He added that he felt there wasn’t time to request quotes, submit them to the ministry, and wait for approval because he had to move on February 18 and the ministry can take a long time to approve requests like his. He explained that he moved to his new home on February 18 and requested reimbursement of his moving expenses on February 20. The appellant told the panel he had a conversation with the ministry in early February and informed them that he had a quote of \$150 for moving and he was told that appeared to be a very competitive quote and his moving expenses were likely to be preapproved although he told the

panel that he was aware that this comment from the ministry was not an actual pre-approval.

At the hearing the ministry told the panel that when the appellant first contacted the ministry about his move he was informed about the need to submit multiple quotes for moving and there was a note on his file on February 5 that moving quotes were pending. When the appellant submitted the one quote he was reminded that the ministry requires more than one. The ministry told the panel that, while the legislation does not specify a number of quotes required to establish the lowest moving cost, the ministry generally tells clients to get two or three. The ministry added that approvals for moving supplements can be approved in as little as one day when the client is under a tight schedule to move once all the quotes are received. In the case of the appellant it wasn't a timeline issue that prevented an approval but rather the ministry couldn't make the approval because it didn't receive the other quotes.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision dated March 3, 2015 that denied the appellant's application for a moving supplement. The ministry found that his application for moving supplement met the criteria of the Employment and Assistance for Persons with Disability Regulation (EAPWDR) section 55(2)(e), moving to avoid imminent danger, however he did not receive pre-approval for the moving expense as by the EAPWDR 55(3)(b). The ministry reasoned that because the appellant had submitted only one quote for moving, it could not determine that he was using the least expensive option.

The applicable legislation is the EAPWDR section 55:

### 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 fulfill 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.

**Arguments of the Parties**

The argument of the appellant is that due the limited timeframe he had to find a new home it is unreasonable that the ministry would require more than one moving quote because it is difficult to find moving companies that will provide quotes and the ministry takes too long to approve moves. The appellant maintains that the one quote he received was exceptionally low.

The argument of the ministry is that the appellant does not qualify for a moving supplement because he did not receive ministry approval prior to incurring the costs. The ministry determined that prior approval was not granted because the appellant failed to submit more than one moving quote in order to establish the least expensive moving option.

**Panel Decision and Reasons**

The panel considered the new evidence provided by the appellant. The legislation requires that the moving supplement must be for the least expensive appropriate mode of moving. The ministry's procedure is to have the client provide more than one quote from movers in order to determine the least expensive option. The panel notes that the requirement for multiple quotes is not legislated, but rather, is the procedure used by the ministry to satisfy the legislated criterion of being the least expensive. In the appellant's case he provided one quote for \$150 prior to moving and a second quote at the hearing for \$315.

The ministry maintains that the reason the appellant did not receive pre-approval was due to the absence of a comparable moving quote, which he has now produced. The panel considered that the appellant was told in early February by the ministry that the quote he had for \$150 appeared to be very low. The new evidence, the \$315 moving quote, has provided support to the appellant's argument and the information in the first quote that his moving costs were the least expensive appropriate option. The panel finds that while the ministry's procedure of gathering quotes prior to the move was not followed, the procedure is not a legislated criterion itself, by rather; it is intended to facilitate the granting of the moving supplement.

The panel finds that in view of the evidence submitted at the hearing, the ministry' reconsideration decision determining the appellant does not qualify for a moving supplement because he did not receive ministry approval prior to incurring the costs as required by EAPWDR 55(3)(b) was unreasonable. The panel finds that the ministry's decision was not a reasonable application of the applicable enactment in the circumstances of the appellant and rescinds the decision.