

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “Ministry”) April 7, 2015 reconsideration decision denying the Appellant’s request for a moving supplement to move and store his belongings in an alternate temporary storage facility. The Ministry determined that the Appellant did not meet the requirements for a moving supplement in section 55 of the Employment and Assistance for Persons with Disabilities Regulation. Specifically, the Ministry determined that the Appellant’s circumstances do not fall within the definition of moving costs in section 55(1) and also are not one of the eligible reasons for moving set out in section 55(2).

### PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”) Section 55.

## PART E – Summary of Facts

With the consent of both parties, the hearing was conducted as a written hearing pursuant to section 22(3)(b) of the *Employment and Assistance Act*.

For its reconsideration decision, the Ministry had the following evidence:

1. Information from its records that:

- The Appellant is a Person with Disabilities (PWD) receiving a comforts allowance.
- The Appellant had to move his belongings from a storage facility where he stored them free of charge because that facility was going to be renovated.
- The Appellant's mother, as his advocate, asked for help with storage fees for another facility.

2. Letter dated February 25, 2015 from a case manager at a health facility supporting the Appellant's request for funds to store items for a short period of time, and stating that:

- The Appellant is a client receiving treatment at a care center in one city; in the next few months, he expects to be moving into independent housing in another city in the province.
- He stored his belongings when he went into care and at that time he had free storage in a building that now needs immediate renovation; he has to remove all his items ASAP.
- The Appellant currently receives a comforts allowance.
- At one storage center a small unit costs \$66 a month and the next size costs \$89 a month.
- She is requesting some funding to cover storage costs for the next few months.
- The Appellant has few options and his family is unable to pay the storage costs or store the items for the Appellant.
- She feels that making the Appellant part with his belongings or use his comforts allowance for storage fees would cause undue stress and set back his recovery.

3. List of storage unit costs from a storage facility.

4. Appellant's request for reconsideration dated March 19, 2015, in which he wrote that:

- He feels it is unreasonable to deny his request as he currently lives in a care center in one city and his belongings are in another city.
- His income per month is \$95, which leaves him very little for himself, personal items, clothing, let alone for a storage unit for his household and personal belongings.
- He feels stressed about the situation because he is without help in the other city in any way, including funding for storing his belongs; the situation causes him undue stress and anxiety.

In his notice of appeal, the Appellant wrote that he will not be living in the specialized care facility for long. He stated that he needs to put his belongings in storage to avoid losing all of them as he will be moving back to another city in August 2015 to live independently.

Pursuant to section 22(4) of the *Employment and Assistance Act*, the Panel admits the information in the Appellant's notice of appeal as being consistent with and therefore in support of the evidence that the Ministry had at the time of its reconsideration decision.

For this appeal, the Ministry relied on and reaffirmed its reconsideration decision.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry's decision denying the Appellant's request for a moving supplement was reasonably supported by the evidence and/or was a reasonable application of section 55 of the EAPWDR.

### Applicable Legislation

The following legislation applies to the Appellant's circumstances in this appeal.

Employment and Assistance for Persons with Disabilities Regulation

*Section 55 – Supplements for moving, transportation and living costs*

*55(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 disability 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 the 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 Parties' Positions

The Appellant's position is that he has to move his belongings from free storage into paid storage for a few months until he moves to another city. He does not have the resources to pay for this. In its reconsideration decision, the Ministry determined that it could not approve the Appellant's request because his request did not meet the requirements in section 55(1) and (2) of the EAPWDR.

### The Panels' Findings and Decision

The Panel acknowledges that the Appellant has limited resources to move and store his items. However, the Ministry can only provide a moving supplement for the Appellant if his request meets the provisions in section 55 of the EAPWDR. Moving cost is defined in section 55(1) as the cost of moving a family unit and its personal effects from one place to another. The Appellant requested a supplement to move and store his belongings, but not to move himself. Therefore, the Panel finds that the Ministry reasonably determined that it could not provide a supplement just for moving and storing belongings.

In addition, the Panel finds that the Ministry reasonably determined that the Appellant's request did not fall within any of the circumstances in section 55(2). Specifically, the Ministry determined that the Appellant is not moving because of employment; he is not moving to another province or country to

improve his circumstances; he is not moving within an adjacent municipality because his accommodation is being sold, demolished or condemned; he is not moving because his shelter costs could be significantly reduced; or, he is not moving to another area of the province to avoid an imminent threat to his safety.

For the foregoing reasons, the Panel therefore confirms the Ministry's reconsideration decision.