

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) Reconsideration Decision of June 4, 2015 in which the ministry found that the appellant was ineligible for a moving supplement because she did not meet any of the criteria for a moving supplement under Section 55 (2) of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) and because she had failed to obtain prior approval from the ministry or submit moving estimates pursuant to EAPWDR Sections 55 (3) and (4).

### PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation (EAPWDR), Section 55

## PART E – Summary of Facts

The appellant is a recipient of disability assistance as a single person.

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

- shelter information form dated August 13, 2013 indicating that the appellant would commence tenancy at property A on September 1, 2013 at a monthly rent of \$500;
- request for reconsideration received by the ministry on June 2, 2015 in which the appellant stated that:
  - she spent her entire disability cheque for May 2015 on moving expenses and has not yet moved to her new residence. The owners of her former residence are moving back in and there is no room for her.
  - on May 27, 2015 she moved her belongings from her former tenancy B and put them into storage.
  - during the period May 27, 2015 – June 2, 2015 she spent \$605.00 in moving expenses related to her May 25, 2015 request for a moving supplement from tenancy B to storage, namely: \$220 for the mover, \$85 for storage and \$300 for motel accommodations.
  - she estimates that her June expenses will be \$1,700, apportioned as follows: \$350 combined moving and storage fee from storage to tenancy C, \$900 rent per month, and \$450 damage deposit.

In her notice of appeal dated June 10, 2015 the appellant reiterated that the cost of moving from tenancy B into storage was \$85 for storage of her furniture plus \$220 for the mover. She did not submit receipts.

At the hearing the appellant explained that the ministry worker who originally denied her request for a moving supplement had incorrectly noted her address as tenancy A. She had lived in tenancy A for only a week in 2012 or 2013, and had been living at tenancy B (in an adjacent municipality) with a roommate since 2013. She paid a portion of the rent (approximately \$400-450 per month) to her roommate, who paid the full monthly rent of \$1,200 directly to the owner/landlord. In April 2015 the owners of tenancy B decided to move back into the house, and gave the appellant verbal notice to vacate. When the appellant requested a moving supplement on May 25, 2015 she did not yet have a new tenancy arranged. At the beginning of June she found an apartment (tenancy C) in an adjacent municipality and submitted a copy of her lease to the ministry, but was unable to move in until the third week of June because she had to wait for her assistance cheque. She added that her estimate of \$1,700 for June expenses was incorrect, and that she had incurred approximately \$2,100 in move-related costs.

The appellant also stated that the ministry had paid her a \$500 moving supplement in 2013, and that she had obtained prior approval from the ministry and had provided movers' estimates before moving. She acknowledged that she did not obtain prior approval or submit movers' estimates before incurring her costs in May 2015.

The panel reviewed the appellant's oral evidence and determined that all evidence pertaining to the error respecting tenancy A and the move from tenancy B to storage was admissible under Section 22 (4) as testimony in support of the information before the ministry at the time of reconsideration, because it corrected the ministry's information regarding the appellant's address and because it

clarified the information before the ministry at the time of reconsideration. The panel found that the new evidence regarding the appellant's move to tenancy C was not admissible as testimony in support because it was not included in the appellant's original May 25, 2015 request for a moving supplement.

The ministry relied on the reconsideration decision.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry decision which determined that the appellant was ineligible for a moving supplement because she did not meet any of the criteria for a moving supplement under Section 55 (2) of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) and because she had failed to obtain prior approval from the ministry or submit moving estimates pursuant to EAPWDR Sections 55 (3) and (4).

The legislative criteria applicable to eligibility for a moving supplement are set out in Section 55 of the EAPWDR:

### 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;

(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 appellant argues that she was forced to vacate tenancy B in May 2015 because the owners of the residence decided to move back in. In late May she spent she spent \$605.00 in move-related expenses from tenancy B to storage, namely: \$220 for the mover, \$85 for storage and \$300 for motel accommodations, and in June she spent approximately \$2,100 in rent, security deposit move-related expenses from storage to tenancy C. She is now in debt and has no other resources to pay these expenses.

The ministry acknowledges that tenancy A was noted in error and is not relevant to the reconsideration decision because the appellant had not lived there since 2013, but the ministry maintains its position that the appellant's true circumstances did not meet any of the eligibility criteria for a moving supplement found in EAPWDR Section 55 (2) because she did not move to confirmed employment or move within or to an adjacent municipality because her accommodation was being sold, demolished or condemned or because the shelter costs would be significantly reduced. The ministry argues further that the appellant did not obtain prior approval from the ministry or submit moving estimates. The ministry therefore argues that she was ineligible for a moving supplement.

The ministry also argues that costs incurred by the appellant relating to her move from storage to tenancy C are not relevant to the reconsideration decision because they were not included in her original request for a moving supplement on May 25, 2015, and at the time of reconsideration the ministry asked the appellant to submit a new request for a moving supplement together with rental information confirmation and at least three moving estimates prior to her move from storage to tenancy C.

#### Panel Decision

In order to qualify for a moving supplement a recipient of disability assistance must:

- meet at least one of the criteria set out in Section 55 (2) (a)-(g) of the EAPWDR, each of which requires that the applicant provide a specific location for her move;
- have no resources available to cover the cost [*Section 55 (3)(a)*];
- obtain the ministry's prior approval before incurring the costs [*Section 55 (3)(b)*]; and
- secure the least expensive moving cost [*Section 55 (4)(a)*].

In her May 25, 2015 request for a moving supplement the appellant did not provide a specific location for her move, did not move to confirmed employment or move within or to an adjacent municipality because her accommodation was being sold, demolished or condemned or because the shelter costs would be significantly reduced, did not obtain approval from the ministry prior to incurring her moving costs, and did not submit estimates from movers in order to demonstrate the least expensive moving cost. Accordingly the panel finds that the ministry reasonably determined that the appellant was not eligible for a moving supplement from tenancy B to storage because she did not meet the legislative criteria set out in EAPWDR Section 55 (2), (3) or (4).

The panel also finds that the ministry reasonably determined that the appellant's request for a moving

supplement to cover her moving costs from storage to tenancy C in June 2015 was not included in her May 25, 2015 request for a moving supplement and therefore was not subject to reconsideration.

In conclusion, the panel finds that the ministry's reconsideration decision to deny the appellant's May 25, 2015 request for a moving supplement is a reasonable application of the applicable enactment in the circumstances of the appellant, and confirms the decision.