

### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision by the Ministry of Social Development and Social Innovation (the ministry) dated 22 July 2015 that denied the appellant's request under section 55 of the Employment and Assistance for Persons with Disabilities Regulation for a supplement to cover the costs of moving from Town A to Town B. The ministry held that the information provided did not establish that the appellant's move was to a prescribed location for a prescribed reason as set out in subsection (2) of section 55. Further, the ministry found that the appellant did not receive the ministry's approval before incurring the moving costs, as required under subsection (3)(b) of section 55.

### PART D – Relevant Legislation

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

## PART E – Summary of Facts

The appellant did not appear at the hearing. After confirming that the appellant was notified of the hearing, the hearing proceeded in accordance with section 86(b) of the Employment and Assistance Regulation.

The evidence before the ministry at reconsideration consisted of the following:

1. From the ministry's files, with relevant documents:
  - The appellant is a recipient of disability assistance.
  - Her rent at her previous residence in Town A was \$520/month.
  - On 29 May 2015 the appellant advised the ministry that she would be moving to Town B. She was advised to provide confirmation of her new residence.
  - On 01 June 2015 she submitted a Shelter Information form indicating that she had rented a residence in Town B effective 01 June 2015, with a rent \$550/month.
  - On 25 June 2015 appellant requested a supplement to cover her moving costs. She submitted an undated invoice from a truck rental company for \$442.40, with "date out" shown as 5 June 2015, for 2 days. The truck rental company confirmed to the ministry that this invoice had been paid in full.
  
2. The appellant's Request for Reconsideration. She was advised of the ministry's decision to deny her request for the moving supplement on 07 July 2015. Ministry records indicate that at that time she stated that she was required to move from her previous residence in Town A as it was being sold. She moved to Town B as she was not able to find accommodation in Town A or in another nearby town. She signed her request for reconsideration on 10 July 2015. She did not complete the section provided for explaining her reasons for the request.

At the hearing, the ministry stood by its position at reconsideration.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry was reasonable in denying the appellant's request under section 55 of the EAPWDR for a supplement to cover the costs of moving from Town A to Town B. More specifically, the issue is whether the following ministry determinations were reasonably supported by the evidence or were a reasonable application of the legislation in the circumstances of the appellant:

- that the information provided did not establish that the appellant's move was to a prescribed place for a prescribed reason as set out in subsection (2) of section 55.
- that the appellant did not receive the ministry's approval before incurring her moving costs, as required under subsection (3)(b) of section 55,

The relevant legislation is from 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.

In the reconsideration decision, the ministry's position was that the appellant's move did not meet any of the locations/reasons criteria set out in EAPWDR section 55(2).

The circumstances described in paragraph (c) of section 55(2) relate to moving within or to an adjacent municipality if the current rental accommodation is being sold, demolished or condemned and a notice to vacate has been given. The panel notes that Town A is in a sparsely populated area of BC, with Town B ~140 km. away, and the nearest other town about midway between. The nearest major centre is about the same distance away in another direction. The ministry found that while her Town A accommodation was being sold, the move was not to an adjacent municipality. Despite the geography, considering that "adjacent" connotes "nearby" and taking into account the distance between the two towns, the panel does not find the ministry's finding regarding adjacency unreasonable. Moreover, as no evidence has been provided that the appellant was given a written notice to vacate, the panel finds that the ministry was reasonable in determining that this criterion had not been met.

Similarly for the circumstances described in paragraph (d), moving within or to an adjacent municipality if shelter costs would be significantly reduced, the evidence is that the appellant's rent actually increases, from \$520/month to \$550/month; accordingly, the panel finds that the ministry was reasonable in determining that this criterion had also not been met.

None of the other circumstances described in paragraphs (a), (b) or (e) relate to the appellant's request.

The ministry also determined that the appellant did not receive the ministry's approval before incurring her moving costs, as required under subsection (3)(b) of section 55. Under EAPWDR section 55(4)(a) the supplement may only be provided to assist with the cost of the least expensive appropriate mode of moving or transportation. As the ministry noted in the reconsideration decision, the "least expensive" criterion can only be determined if prior approval by the ministry, before costs have been incurred, has been sought. The appellant submitted the truck rental cost information on 25 June 2015, after these costs had been incurred on 05/06 June 2015. As there is no evidence that the appellant had sought prior approval, with the submission of cost quotes, the panel finds that the ministry was reasonable in determining that this criterion had not been met.

Based on the foregoing, the panel finds that the ministry's decision to deny the appellant's request for a supplement to cover the costs of moving was reasonably supported by the evidence. The panel therefore confirms the ministry's decision.