

**PART C – Decision under Appeal**

The decision under appeal is the Ministry of Social Development and Social Innovation's (the Ministry's) reconsideration decision, dated July 27, 2015, which denied a supplement for moving costs under section 52(2) of the Employment and Assistance Regulation as the Appellant did not meet any of the legislated eligibility criteria.

**PART D – Relevant Legislation**

Section 52 of the Employment and Assistance Regulation (EAR)

## PART E – Summary of Facts

The evidence before the Ministry at reconsideration included the following:

- A copy of the shelter information form, dated January 9, 2015, showing total rent: \$500.00.
- A letter from a child protection worker, dated March 27, 2015, stating that the Appellant is in great need of a home, but due to her animals, she is unable to find anyone willing to rent to her. The animals have therapeutic value because the Appellant is disabled. The Appellant's son resides full time in her care.
- A receipt from a moving company, dated July 9, 2015, showing a total moving cost of \$583.80 including a storage and delivery charge of \$168.00.
- A copy of the shelter information form, dated July 9, 2015, showing total rent: \$800.00.

In the request for reconsideration, the Appellant wrote that she was living in a 15-foot camper with no plumbing. Her son was living in the spare room of her parent's trailer. Her stepdad wanted the Appellant and her son out as soon as possible and he wanted the camper back by the 25<sup>th</sup> of July. The Appellant wrote that she had been searching since February or March for an affordable pet friendly home that she could afford on the \$903.00 per month that is allowed on income assistance. The new accommodation costs \$800.00 per month and the landlord knocked off \$50.00 per month to help. The Appellant stated that she gets no help from her ex-husband and her stepdad won't help either. Finally, the Appellant writes that she had no choice as most rentals are \$900-\$1,800 and up to \$2,800. The landlord was allowing them to move in but they were supposed to pay \$400.00 for half month's rent that she didn't have.

In her notice of appeal, faxed on July 31, 2015, the Appellant wrote 2 additional pages of explanation. She stated that movers know that she is on income assistance and if she needs to, she'll figure out how to pay the \$168.00. She reiterated that she was living in a 15-foot camper with no plumbing since December 4, 2014. She said that they have no privacy in the trailer and only had 2 feet separating the beds. She said that the movers gave her a deal on the moving or it would have been more. The Appellant is struggling to make a better life for her son and their pets. She said that her stepdad doesn't like them in his space, but she had been waiting to find a home that they could afford. Now that they have one, they can't move in. She said that she is not a drunk and has jumped through all of the hoops and that she is constantly on the phone looking for help. She says that her son deserves a room in a place with his Mom and that she deserves to get into the home that she has paid rent for. She said that she got help with a damage deposit, but did not get help with rent or with moving costs. She wants her son, her pets and herself together in one home. She is working to build her life back up and needs this help.

At the hearing the Appellant provided evidence that she moved into a 15-foot camper on her mother and stepfather's property on December 4, 2014. The Appellant showed a photograph of the camper to the panel. She paid \$500.00 per month to her mother and stepfather in rent and paid up to \$132.00 per month in winter for propane to keep the camper warm. The camper has no plumbing and is very small, so her son was living in with her mother and stepfather in their trailer. The Appellant had been looking for affordable housing where she can live with her son and her animals. She found her current landlord and rented a place for \$800.00 per month. Because her mother and stepfather are no longer willing to help her, she felt that she had no choice but to rent a place for herself and her son. The Appellant said that she was told by several Ministry workers that she would be eligible for moving costs and a damage deposit. She said that the Ministry did pay the \$400.00 damage deposit and doesn't understand why she isn't eligible for help with moving as well.

The panel determined that the additional documentary and oral evidence was admissible under section 22(4) of the Employment and Assistance Act as it was in support of the evidence before the Ministry at reconsideration. The hand-written document corroborated the Appellant's living situation before her move and her oral evidence confirmed that she moved within a municipality, the date of her move, and her reasons for changing her living situation.

The panel finds that the Appellant's shelter costs were previously \$500.00 per month, plus the cost of propane, before she moved in July. The panel finds that the Appellant moved within the same municipality and that the Appellant's rent increased in July to \$800.00 per month plus utilities. The Ministry paid her \$400.00 damage deposit.

## PART F – Reasons for Panel Decision

The issue to be decided is whether the Ministry's decision to deny a supplement for moving costs under section 52(2) of the EAR as the Appellant did not meet any of the legislated eligibility criteria was a reasonable application of the legislation or reasonably supported by the evidence in the circumstances of the Appellant.

The legislation provides the following:

### Supplements for moving, transportation and living costs

**57** (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 income assistance, other than as a transient under section 10 of Schedule A, 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 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.
- (h) 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 20 [*categories that must assign maintenance rights*]. (B.C. Reg. 275/2004)

(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 (1) (f) or (g), the least expensive appropriate living costs. (B.C. Reg. 275/2004)

The Ministry argued that because the Appellant moved within a municipality, that the legislation only allows for a moving supplement under section 57(2)(c) when the former property is being sold or demolished and notice to vacate has been given, or has been condemned or (d) that the family unit's shelter costs would be significantly reduced as result of the move. Because the Appellant's former residence was not being sold, demolished, or condemned, and the Appellant's shelter costs increased, the Ministry cannot allow a moving supplement because she does not meet any of the legislated criteria.

The Appellant argued that her former living situation was inadequate and her mother and stepfather will no longer provide any help. She felt that she had no choice but to move and had a hard time finding accommodation for herself, her son, and her animals. She argued that several Ministry workers had told her that she would have her moving costs covered. She argued that she needs the new place because she is trying to make a better life for her and her son.

The panel finds that the Ministry's decision that she did not meet the legislative criteria 57(2)(a) of the EAR was a reasonable application of the legislation in the circumstances of the Appellant. Although the Appellant did move "anywhere in Canada", she did not move because she had "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". She moved because her mother and stepfather are no longer willing to help her and her son in their current location.

The panel finds that the Ministry's decision that she did not meet the legislative criteria 57(2)(b) of the EAR was a reasonable application of the legislation in the circumstances of the Appellant. The Appellant did not move to another province or country, but moved within the same municipality as shown by the two shelter forms and the Appellant's oral evidence.

The panel finds that the Ministry's decision that she did not meet the legislative criteria 57(2)(c) of the EAR was a reasonable application of the legislation in the circumstances of the Appellant. Although the Appellant did move within the same municipality, the camper that the Appellant was living in was not sold or demolished and had not been condemned when she moved.

Finally, because the Appellant's shelter costs increased from \$500.00 per month plus utilities to \$800.00 per month plus utilities, the panel finds that the Ministry's decision that she did not meet the legislative criteria 57(2)(d) of the EAR was also a reasonable application of the legislation because the Appellant's shelter costs were not significantly reduced as a result of the move.

Therefore the panel finds that the Ministry's reconsideration decision was a reasonable application of the legislation in the circumstances of the Appellant and confirms the Ministry's decision.