



### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the "ministry") dated November 10, 2015 which held that the Appellant was not eligible for income assistance because the ministry determined that the Appellant did not provide all the information directed by the minister as per Section 10 of the Employment and Assistance Act (EAA). For the purposes of Section 10 of the EAA, under section 32 of the Employment and Assistance Regulation (EAR) the Appellant is not eligible for income assistance until he complies with the direction.

### PART D – Relevant Legislation

Employment and Assistance Act (EAA) Section 10  
Employment and Assistance Regulation (EAR) Section 32

## PART E – Summary of Facts

### **The evidence before the ministry at reconsideration was as follows:**

- The appellant is a single employable person who has been receiving social assistance as a sole recipient.
- On September 2, 2015 an Investigative Officer (IO) commenced a review of the appellant's file as a mandatory third party check which indicated bank involvements with BMO, TDCT, Scotiabank and President's Choice since 2013 and requested the following information be provided by September 16, 2015:
  - Rent receipt(s), utility bills and residential tenancy agreement
  - Statements for all bank accounts for the period of June 1, 2015 to the current date, and
  - Banking Profiles from BMO, TDCT, Scotiabank and President's Choice/CIBC.
- On September 16: the IO received rent receipts for June – September 2015, BC Hydro bill dated August 6, 2015 and CIBC Client Summary and June-September 2015 account statements.
- On September 24, 2015: the IO mailed a letter to the Appellant requesting requesting all the same information in the first letter by October 8, 2015 and if he failed to provide the information he may be declared ineligible for assistance.
- On October 13, 2015: the Appellant contacted the ministry by telephone stating that he was having difficulty getting the banking information and stated that he did not have a phone.
- On October 14, 2015: the IO mailed a letter to the Appellant advising, in part, the ministry has not received all the requested information and eligibility cannot be determined; therefore the Appellant is no longer eligible for assistance.
- On October 15, 2015: the IO advised that Appellant that the Residential Tenancy Agreement and the bank profiles and account statements (except the one already provided) are required by November 12, 2015 or the Appellant's file would be closed due to failing to provide the requested information.
- On October 16, 2015: the IO received the CIBC Product Summary information and Residential Tenancy Agreement showing electricity is the only utility not included in the Appellant's rent along with rent receipts for June to October 2015.
- On October 20, 2015: the IO received a BMO computer print listing.
- On October 27, 2015: the ministry received an online TDCT Accounts Profile but not the accounts statements. The Appellant advised the ministry that he was unable to get the remainder of the required information because the banks are out of town and could not afford the transportation costs.
- On October 27, 2015: the appellant submitted a Request for Reconsideration in which he stated that he had submitted everything except 3 bank account statements due to the banks not being in town, and he was under a "CSO" order with curfew, and if he lost his assistance he would go back to jail, and he was willing to provide the rest of the information if he had the required travel funds.
- On October 29, 2015: the ministry provided the Appellant with the Reconsideration Supplement for

the November 2015 assistance month.

- On November 10, 2015: the minister reviewed the Request for Reconsideration.

- On November 19, 2015: the Appellant submitted a Notice of Appeal in which he essentially stated in the Reasons for Appeal "I am fairly new in my new community and had no idea of the transportation connections to the community where the banks are located. I have a friend that can drive me but need gas money which I don't have but just found out Canadian Mental Health can help me with this."

**At the hearing:**

The Appellant re-stated all of the difficulties he had in providing all of the documents to the ministry on a timely basis. He further stated that he had continued his efforts to provide the balance of the banking information and was able to complete this requirement in December 2015.

The ministry 1) re-stated the reconsideration summary as its submission and did not introduce any new evidence, and 2) the ministry provided the Appellant with a Reconsideration Supplement for the December 2015 assistance month, and 3) the ministry has now received all of the required information in December 2015 and the Appellant now qualifies for benefits in January 2016.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry decision which held that the Appellant was not eligible for income assistance because the ministry determined that the appellant did not provide all the information directed by the minister as per Section 10 of the Employment and Assistance Act (EAA) and section 32 of the Employment and Assistance Regulation (EAR) is reasonably supported by the evidence or is a reasonable application of the legislation in the circumstances of the Appellant.

The relevant legislation is the following:

### **From the EAA**

Information and verification

**10 (1)** For the purposes of

(a) determining whether a person wanting to apply for income assistance or hardship assistance is eligible to apply for it,

(b) determining or auditing eligibility for income assistance, hardship assistance or a supplement,

(c) assessing employability and skills for the purposes of an employment plan, or

(d) assessing compliance with the conditions of an employment plan,

the minister may do one or more of the following:

(e) direct a person referred to in paragraph (a), an applicant or a recipient to supply the minister with information within the time and in the manner specified by the minister;

(f) seek verification of any information supplied to the minister by a person referred to in paragraph (a), an applicant or a recipient;

(g) direct a person referred to in paragraph (a), an applicant or a recipient to supply verification of any information he or she supplied to the minister.

(2) The minister may direct an applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for income assistance, hardship assistance or a supplement.

(3) Subsection (1) (e) to (g) applies with respect to a dependent youth for a purpose referred to in subsection (1) (c) or (d).

(4) If an applicant or a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for income assistance, hardship assistance or a supplement for the prescribed period.

(5) If a dependent youth fails to comply with a direction under this section, the minister may reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

### **From the EAR:**

Consequences of failing to provide information or verification when directed

**32 (1)** For the purposes of section 10 (4) [information and verification] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction.

(2) For the purposes of section 10 (5) [information and verification] of the Act,

(a) the amount by which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit is \$100 for each calendar month, and

(b) the period for which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

For the purposes of section 10(2) [information and verification] of the Act, "The minister may direct an

applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for income assistance, hardship assistance or a supplement,” the Appellant failed to provide all of the requested information within the time period required by the ministry. The Appellant does not dispute the fact that he did not provide all of the requested information within the time required by the ministry. Further, the Appellant has received a Reconsideration Supplement for the assistance months of November and December 2015.

The panel finds that the Appellant did not provide some of the information requested as set out in s.10(2) of the EAA. Section 10(4) of the EAA states that “If an applicant or a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for income assistance, hardship assistance or a supplement for the prescribed period.” Section 32(1) of the EAR states that “For the purposes of section 10 (4) [information and verification] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction.”

Accordingly, the panel finds the ministry decision that the appellant was not eligible for income assistance under section 10 of the EAA and section 32 of the EAR is reasonably supported by the evidence. The panel therefore confirms the ministry's decision.