



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry)'s reconsideration decision dated September 16, 2015, which found that the appellant was not eligible for a shelter allowance in September 2015 to cover the cost of hotel stays because she has not submitted proof of payment as requested by the ministry in accordance with section 10 of the *Employment and Assistance Act* (EAA).

PART D – Relevant Legislation

The relevant legislation is section 10 of the EAA and section 32(1) of the *Employment and Assistance Regulation* (EAPWDR).

PART E – Summary of Facts

The appellant is in receipt of income assistance. On September 10, 2015 she contacted the ministry to request a shelter allowance for two two-day stays in hotels September 1 – 3 and September 3 – 5. She supplied the ministry with two reservation confirmations as proof of having incurred the expenses. She did not provide receipts. Also on September 10, a ministry employee called each of the hotels to inquire regarding the appellant's alleged stays and was told by both hotels that they had no record of the appellant having stayed with them. Subsequently, the appellant informed the ministry that she had stayed under an assumed name in order to protect herself but did not provide the ministry with that alias. The appellant has a warning on her ministry file dated January 2012 which states that she regularly submits hotel reservations requesting reimbursement and for ministry employees to issue shelter allowance only with legitimate receipts.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's reconsideration decision not to provide a shelter allowance to the appellant is a reasonable application of the applicable legislation in the circumstances of the appellant.

The relevant legislation is section 10 of the EAA and section 32(1) of the EAPWDR.

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.

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.

In accordance with section 10(2) of the EAA, the minister has requested that the appellant, who has applied for a supplement in the form of a shelter allowance for hotel stays, provide proof of payment to the hotels in the form of receipts for those stays. The appellant has supplied reservation confirmations, but has not supplied receipts. In accordance with section 32(1) of the EAR, until the appellant supplies the ministry with receipts for the hotel stays, she is not entitled to the shelter allowance.

Accordingly, the panel concludes that the ministry's refusal to pay the shelter allowance to the



appellant until it receives receipts for the hotel stays was a reasonable interpretation of the legislation in the circumstances and confirms the ministry's decision.