



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry) Reconsideration Decision dated January 18, 2016, which denied the Appellant's request for a supplement for moving costs. The Ministry found that the Appellant did not meet the requirement of s. 57(3)(a) of the Employment and Assistance Regulation (EAR), that there are no resources available to cover the costs; nor were the requirements of s. 57(3)(b) of the EAR met, that the minister's approval must be received before the costs are incurred.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) Section 57

PART E – Summary of Facts

Information before the minister at reconsideration included:

- A copy of an expired residential Tenancy Agreement dated August 31, 2015, partly illegible, showing the Appellant's rent as \$1,500 per month prior to January 1, 2016.
- A copy of a Residential Tenancy Agreement dated November 6, 2015 and effective January 1, 2016, partly illegible, showing the Appellant's rent as \$1,005.00 per month.
- A copy of an invoice for moving costs in the amount of \$420.00, with a due date of December 31, 2015.
- A copy of a bank activity record for the period August 31 to November 16, 2015.
- A copy of an Account Information statement dated November 26, 2015 showing total assets of \$5,318.53 and total liabilities of \$128.28.
- A copy of a Bank Profile dated November 26, 2015.
- A copy of a bank Deposit Account Statement Update for the period December 1 to December 17, 2015.
- The Appellant's Request for Reconsideration signed January 13, 2016.

At the hearing the Appellant stated that all of her income is shown on her bank records. With respect to having financial resources to pay for the move, the Appellant stated that she has a GIC for \$1,000 that cannot be cashed for one year, and she received backdated child tax credit payments in December. In response to questions from the Panel, the Appellant stated that she never had \$4,000 in her account. The Appellant stated that the account statement referred to by the Ministry, dated December 21, 2015, shows a cash withdrawal for rent and deposits from the federal government for child tax credits. The Appellant stated that her bank gave her a note referring to the GIC, but she thinks she gave it to the Ministry. In response to questions from the Panel, the Appellant stated that she cannot cash the GIC before July, 2016.

The Appellant stated that she was told by the Ministry that she had to find the cheapest mover, which she did, but she did not understand that she should have a written quote for the move. She stated that it was difficult to find a mover for January 1, but she did it by phoning around. She stated that she was in a bad situation and discussed moving with the Ministry in December and that she knew the requirements for a moving supplement, but she did not find a mover until December 31.

The Ministry responded that in order to qualify for a moving supplement all of the requirements of s.57 EAR must be met. The Appellant's shelter costs were reduced from \$1,500 to \$1,005 per month, which complies with s.57(2)(d), but the requirements that no resources are available to pay the cost of the move, s.57(3)(a), and the requirement for approval before incurring the cost, s.57(3)(b), were not met. The Ministry stated that the Appellant advised them on November 26, 2015 that she planned to move; however the estimate for the move was not submitted until December 31. In response to questions from the Panel, the Ministry stated that, had the request been flagged as "urgent", the "due date", or processing time for a request, for a decision about the Appellant's request would have been January 8, 2016, 5 working days after she submitted it.

The Ministry stated that there is nothing in the Appellant's file concerning whether her GIC can be cashed. The Ministry stated that they looked at the Appellant's bank account information and found that she would have over \$1000 after paying her rent.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the Ministry decision which denied the Appellant's request for a supplement for moving costs. The Ministry found that the Appellant did not meet the requirement of s. 57(3)(a) of the Employment and Assistance Regulation (EAR), that there are no resources available to cover the costs; nor were the requirements of s. 57(3)(b) of the EAR met, that the minister's approval must be received before the costs are incurred.

Legislation

EAR

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;
- (g) 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 fulfilin connection with the exercise of a maintenance right assigned to the minister under section 20 [assignment of maintenance rights].



- (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's position is that she does not have resources available to pay the cost of the move. She argued that she has a GIC in the amount of \$1,000, but it cannot be cashed until July, 2016. The Appellant argued that the Ministry knew she has a GIC, but found her to be eligible for income assistance. She argued that she did obtain an estimate for the move and submitted it to the Ministry, but it was difficult to find a mover for January 1, and she did not understand that the estimate was supposed to be in writing or that she should obtain more than one.

The Ministry's position is that the Appellant's bank records show that she has sufficient resources to pay for the move, even without liquidation of the GIC. The Ministry argued that the Appellant first advised that she would be moving in late November, 2015 and had a discussion with them on December 21 about the moving supplement, but the Appellant did not submit an estimate until December 31, then advised them in January that she had moved.

The Panel notes that the Ministry offices were closed from the date the Appellant submitted her estimate for moving until after the date of the move. The Ministry did not argue that the Appellant should have obtained more than one estimate nor that the estimate for moving was not reasonable. The Ministry's argument is that the Appellant did not call to find out whether her request was approved, she called in the new year to ask for reimbursement. The Panel finds that the Ministry did not act reasonably in denying the Appellant's request on this basis. Even if the Appellant had provided the Ministry with the moving cost estimate on December 22nd, it was not possible for the Appellant to have obtained the Ministry's approval in this instance before incurring moving costs on January 1, allowing for the Ministry's stated processing time of five working days.

With respect to the Appellant's ability to cover the costs of the move, the Panel has difficulty accepting the Appellant's assertion that a GIC cannot be cashed before it is due; however, without considering the \$1,000 GIC, the Panel notes that the Appellant's bank balance was sufficient to pay the cost of the move. Without considering the child tax credit payments of \$723, the Appellant's bank balance as at December 17, 2015 was \$839, sufficient to pay moving costs of \$420.

The Panel finds that the Ministry did not reasonably determine that the Appellant failed to obtain approval before incurring moving costs, and did reasonably determine that the Appellant had resources available to cover the costs of the move. The Panel therefore confirms the Ministry decision to find the Appellant ineligible for moving costs.