



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision of February 3, 2016 in which the ministry denied the appellant's request for a crisis supplement for moving costs because it found that the appellant did not meet the requirements of Section 55(1) and (2) of the Employment and Assistance for Persons with Disability Regulation (EAPWDR).



PART D – Relevant Legislation

Employment and Assistance for Persons with Disability Regulation (EAPWDR), Section 55(1) and (2)

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PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- The appellant is in receipt of disability assistance as a sole recipient.
- The following documents were submitted by the appellant with respect to her rental accommodations within the city in which she currently resides:
 - October 16, 2014 – A Shelter Information Form effective October 1, 2014 for \$800.00 per month.
 - February 24, 2015 – A Shelter Information Form effective March 4, 2015 for \$700.00 per month.
 - February 24, 2015 – A letter requesting a rent supplement for \$200.00.
 - April 8, 2015 – A Tenancy Agreement effective April 1, 2015 for \$700.00 per month.
- December 16, 2015 – The appellant requested a moving supplement to pay the cost of moving her belongings from storage to her new residence. The ministry denied the request.
- January 27, 2016 – The appellant submitted a Request for Reconsideration in which she stated the town she moved from and where she currently resides are districts of the same city; her living standards have improved 100%; she has advocacy, numerous outreach services that she depends on and utilizes weekly; and bus service. None of these services were available in her former location. She said that she was evicted from her former residence so the landlord could use the property. Documentation provided with the Request for Reconsideration included:
 - A three page written addition to her reasons that included a list of her personal and household belongings that are currently in storage, stating that they cannot be replaced by local charities.
 - A 2 Month Notice To End Tenancy dated May 20, 2014, effective July 31, 2014.
 - A Tenancy Agreement effective November 20, 2015 for \$800.00 per month.
 - Cost estimates for expenses to move her belongings from where they are stored to her new residence.
 - A letter from the Society of Organized Services dated January 4, 2016 stating that: the appellant moved to her current location in 2014 after being evicted; she placed her belongings in storage at that time; the move has improved her quality of life; and the Emergency Assistance Program is unable to assist with moving costs.
 - A letter from the appellant's advocate dated January 26, 2016 reiterating the appellant's reasons for moving and storing her furniture. He described how the appellant's move has improved her quality of life. He explained that she has ongoing, frequent medical treatment sessions in the lower mainland which can be more easily accessed from where she now lives than from her former location.

The ministry completed its reconsideration on February 3, 2016. On February 12, 2016, the appellant submitted a Notice of Appeal in which she wrote: "A request was made to the ministry – I was told I would have to have a permanent residence first. My living circumstances have improved 100 per cent. I have not had permanent housing since I left [previous location] in 2014. I have been in and out of motels and temporary housing since 2014." She added an Appendix B stating: "The ministry states that they would pay my storage costs - \$117.00 a month. As of March 1st, 2016, \$2,223.00."

At the hearing, the appellant explained that after being evicted, she moved to the town in which she currently lives. Unable to find a permanent residence, she was forced to live in temporary residences

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such as motels and illegal suites. She stayed in motels during the winter months because the rent was \$800 per month but during the summer when the motel rates increased she moved to an illegal suite.

She stated that she had been advised by a ministry representative in 2014 that the ministry would not consider paying her moving costs unless she was moving to a permanent residence. It has taken her 1 ½ years but now she has finally found a permanent residence. She wants the ministry to pay the cost of moving her belongings from where they are stored in a shed on her former landlord's property to where she now lives. She explained that, in addition to needing her personal belongings, she desperately needs her medical records which are also in storage. She would have moved her belongings herself but does not have the money to pay the moving costs.

The appellant's advocate explained that the appellant moved this city on the recommendation of her support people because there are social services she can access; she can travel to attend medical appointments more easily and for less cost; and, she is closer to family. He further explained the vacancy rate is less than one percent and rents usually range from \$850 to \$1000 per month. It is not unusual for people to be living in temporary or sometimes unsafe accommodations.

The panel asked the appellant if she had approval from the ministry to put her belongings in storage , when she moved from her former residence. The appellant replied that the ministry told her that it was up to her to decide about storing her belongings.

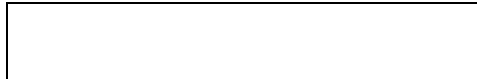
The ministry asked for clarification of the appellant's reason for leaving her former residence, and where she stored her belongings. The appellant explained that the landlord originally wanted to renovate and sell the property. His plans changed and he did not sell, and he has allowed her to keep her belongings in a shed on the property since she moved out in 2014.

The advocate questioned whether the ministry ever encounters situations where clients are not able to find a permanent residence and are forced to reside somewhere temporarily. The ministry responded that it does happen; that people may be forced to stay somewhere for a few days and they are issued money to pay for those costs. However, in the case of the appellant, there is nothing to indicate that where she stayed was temporary. She was asked for a security deposit and signed tenancy agreements that did not include an end date for her residency, both of which would indicate that they were not temporary arrangements.

The advocate asked whether the ministry has encountered landlords who require a security deposit, do not identify accommodations as temporary and do not refund deposits. The ministry responded that while it is not possible to speak to the intent or behaviour of landlords, many circumstances can make residency temporary and referred to the Residential Tenancy Act that exists for the protection of tenants.

The advocate summarized by saying that such circumstances are a reality in their city and that finding a permanent residence is not always possible.

The panel finds that the information provided by the appellant in her Notice of Appeal and in her testimony at the hearing is in support of the information before the ministry at reconsideration as it provides more information on the issue and corroborates the information at reconsideration. The



panel therefore admits this information as evidence under section 22(4) of the Employment and Assistance Act.

PART F – Reasons for Panel Decision

The panel notes that Appendix C of the Reconsideration Decision includes a copy of the *Supplements for moving, transportation and living costs, Section 55* of the Employment and Assistance for Persons with Disabilities Regulation, but Appendix B of the decision makes reference to the *Supplements for moving, transportation and living costs, Section 57* of the Employment and Assistance Regulation. The wording of the definition of moving cost and the criteria for eligibility is the same in both Regulations. The panel will refer to the correct legislation.

The issue in this appeal is the reasonableness of the ministry's reconsideration decision of February 3, 2016 which held that the appellant is not eligible for a crisis supplement for moving costs because she did not meet the requirements of Section 55 (1) and (2) of the Employment and Assistance for Persons with Disabilities Regulation.

The following sections of the legislation apply to the appellant's circumstances in this appeal.

Employment and Assistance for Persons with Disabilities Regulation

Division 3 - Supplements - Family Unit Eligible for Disability Assistance or Hardship Assistance

Supplements for moving, transportation and living costs

55 (1) In this section:

"moving cost" means the cost of moving a family unit and its personal effects 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;

Ministry's Position

The ministry referred to the reconsideration decision and the definition of moving costs. Under the legislation, moving costs are defined as the cost of moving a family unit and its personal effects from one place to another. Reading from the decision, the ministry quoted: "You have requested a supplement to pay for the cost of moving your belongings, not to move yourself. There is no legislative authority to issue a moving supplement for moving items from storage."

The ministry further quoted from the reconsideration decision: "You are not moving from one residence to another. You placed your belongings in storage in 2014 when you moved back to [your current location]. This was not a temporary arrangement to allow for a planned delay in moving from one residence to another. You did not request or obtain approval for a moving supplement at that time."

The ministry reinforced that the appellant's request is to pay for moving her possessions only – not herself and there is no legislative authority that would allow the ministry to provide a supplement for storage items only.

In addition, the ministry noted that the appellant did not move directly from the residence from which she was evicted and where she stored her belongings to where she is now. The ministry argued that the appellant is not moving herself but only her belongings; therefore, her circumstances do not fall under the definition of moving costs per section 55(1).

The Appellant's Position

The appellant argues that she has been following the direction given her by the ministry; that she had to find a permanent residence in order to have the ministry pay her moving costs. The fault is not hers that she had to keep moving for 1 ½ years before she could find a permanent residence. Now that she has finally found a permanent residence, the ministry should pay the cost of moving her belongings.

Panel Decision

The appellant argues that because she is moving to a permanent residence, she is eligible to receive a supplement to pay for her moving costs because that is what she was told by the ministry. The ministry argues that the appellant is not eligible because she is not moving from one residence to another – there have been several moves in between; and, there is no legislative authority to issue a moving supplement for moving items from storage.

The reconsideration decision not to pay the moving cost was based on the application of section 55(2) of the EAPWDR. It was determined that the appellant did not meet any of the five criteria required for eligibility. However, during the hearing, neither the ministry nor the appellant addressed Section 55(2) of the EAPWDR which specifies locations and specific corresponding circumstances for eligibility for a moving supplement.

The appellant did not move to obtain employment or to avoid an imminent threat to her physical

safety. Although her living circumstances improved, she did not move to another province or country. Her move did not result in a reduction in her shelter costs – they increased. The appellant did not move because the accommodation was being sold, demolished or condemned and did not move to an adjacent municipality due to the eviction.

Conclusion

The panel finds that the ministry's reconsideration decision that determined the appellant is not eligible for a crisis supplement to pay for moving costs is reasonably supported by the evidence and is a reasonable application of the legislation as the requirements of Section 55(2) were not met. The panel confirms the decision.