



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated February 9, 2016 which denied a supplement for moving costs under section 55(2) of the Employment and Assistance for Persons with Disabilities Regulation because the appellant did not did not satisfy the legislative criteria.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), Section 55.

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that she was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

The following evidence was before the ministry at the time of reconsideration:

- An estimate from a moving company dated January 26, 2016 for \$2,750.95.
- An estimate from a moving company dated March 25, 2014 for \$1732.50.
- A note which indicated 2 separate addresses in another location in the province.
- A physician's note of support dated December 9, 2015 which specified that the appellant has no family or real support in her current community and that this move is "a good idea to ensure her integration in the community".
- A completed Service Request Form by the appellant who indicated that she wants to move closer to family because she is lonely.
- A Request For Reconsideration dated February 3, 2016, in which the appellant indicated that she is lonely and it hurts her badly to not be with her sisters and brothers. She cries every day from missing them so much.

In her Notice of Appeal dated February 18, 2016, the appellant states that she needs to be with her family and wants to work in the new community in a shop where she is already experienced, that she is isolated and has no real friends locally, that she barely leaves her residence and that she will live with her sister until she finds a place of her own. The appellant further states that she has 2 sisters and 3 brothers in the new community which is also her home town where she knows a lot of people.

Submitted on appeal was a support letter dated February 22, 2016 from the appellant's sister who states that she is worried about the appellant's health and when she speaks with her on the phone, the appellant sounds very depressed, is in pain and cries a lot. She indicates that the appellant has no friends or family locally. She adds that when the appellant visits, she is surrounded by family, they go camping and the appellant can rest. The appellant's sister states that none of the family members have money to help with her move but that she would have a place to stay.

The ministry stood by their reconsideration decision..

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's reconsideration decision which denied a supplement for moving costs under section 55(2) of the Employment and Assistance for Persons with Disabilities Regulation because the appellant did not satisfy the legislative criteria was a reasonable application of the legislation or reasonably supported by the evidence.

Relevant Legislation:

EAPWDR

Supplements for moving, transportation and living costs

55 (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 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;

(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 fulfil

in connection with the exercise of a maintenance right assigned to the minister under section 17 [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.

Ministry's Position

The ministry's position is that to be eligible for a moving supplement, a family unit must meet one of the criteria listed in Section 55(2).

Section 55(2) (a) For a moving supplement to be issued under this subsection, the family unit must be moving anywhere in Canada and have confirmed employment if the employment would significantly promote financial independence. No information was submitted to indicate that the appellant is moving for a confirmed job, therefore, this section does not apply.

Section 55(2)(b) For a moving supplement to be issued under this subsection, the moving costs must be required to move to another province or country in order to improve living circumstances. As the appellant is requesting to move from one town to another in the same province and country, this section does not apply.

Section 55(2) (c) A moving supplement issued under this subsection requires that the move be "within a municipality or unincorporated area or to an adjacent municipality or incorporated area" due to the family unit's rented residential accommodation being sold, demolished, condemned or subject to a notice to vacate.

The appellant has not provided any indication that her current accommodation is being sold, demolished or condemned, and furthermore, the towns are not within the same municipality or unincorporated area, nor are they in adjacent municipalities or incorporated areas; therefore, this section does not apply.

Section 55(2) (d) A moving supplement issued under this subsection requires that the move be "within a municipality or unincorporated area or to an adjacent municipality or incorporated area" if the family unit's shelter costs would be significantly reduced as a result of the move.

While the appellant has submitted 2 addresses, presumably of family members at the new location, she has not provided any shelter documents that would confirm a new residence at that location. There is insufficient information for the minister to determine that the appellant's shelter costs would be significantly reduced as a result of the move. Furthermore, these communities are not within the same municipality or unincorporated area, nor are they in adjacent municipalities or incorporated areas; therefore, this section does not apply.

Section 55(2)(e) For a moving supplement to be issued under this subsection, moving costs must be required to move to another area within British Columbia to avoid an imminent threat to physical safety. The appellant did not identify any imminent threat to her physical safety and as such, this section does not apply.

The ministry's position is that to be eligible for a moving supplement, a family unit must also meet the requirements under Section 55(3) of the EAPWDR.

The ministry accepts that the appellant does not have the resources available to her to cover the cost of the move to the new location; therefore, Section 55(3) (a) has been met. While the appellant has

not yet moved, the minister finds that she should not be denied under Section 55(3) (b).

Appellant's Position

The appellant's position is that she needs to have the support of her family and home town friends as she ages. She indicates that she is lonely and it hurts her badly not be with her sisters and brothers and that she cries every day from missing them so much.

Panel's Findings

The panel finds that the appellant's reasons for moving are not the circumstances under which the ministry may provide a moving supplement pursuant to Section 55(2) of EAPWDR.

Based on the evidence presented the panel finds that the ministry's determination that the appellant was ineligible for a moving supplement under Section 55(2) of the EAPWDR because she did not meet any of the applicable moving supplement eligibility criteria was both reasonably supported by the evidence and is a reasonable application of the Regulation.

Further the panel notes that to be eligible for a moving supplement, a family unit must also meet the requirements under Section 55(3) of the EAPWDR. The panel finds that the ministry accepts that Section 55(3) (b) was met.

The panel therefore confirms the ministry's decision.