



### 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 March 22, 2016, in which the ministry denied the appellant's request for a moving supplement under section 55 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), as she did not meet any of the criteria set out in s. 55(3) required to receive a moving supplement.

### PART D – Relevant Legislation

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

## PART E – Summary of Facts

The appellant receives disability assistance as a single person.

The evidence before the ministry at the time of the reconsideration decision included the following documents:

- Residential Tenancy Agreement for accommodation
- Residential Tenancy Agreement for new accommodation, effective February 1, 2016
- Mutual Agreement to End a Tenancy
- Hand written letter signed by the appellant and her daughter dated January 5, 2016
- Letter from doctor, dated January 6, 2016
- Moving quote and moving estimate, submitted January 14, 2016

On January 6, 2016 the appellant submitted a leases agreement with rent listed as \$1050 per month, with occupancy beginning February 1, 2016. The appellant also submitted a letter from her daughter stating while the rent was \$1050 per month, the appellant would only pay \$400 per month and that she would be paying the remaining \$650 per month

The appellant's daughter is not listed on the lease.

On January 12, 2016 a ministry worker thought the appellant's daughter would be living with her. A cheque was ready for pick up for the appellant's security deposit.

On January 14, 2016 the appellant submitted two moving quotes.

On January 15, 2016 the appellant's request for a moving supplement was reviewed by a ministry worker who determined her daughter would not be residing with the appellant. The worker also noted that the appellant was the only person on the lease agreement and therefore the only person obligated to pay the full \$1050 per month. The appellant's request for a moving supplement was denied.

On January 28, 2016 the appellant requested a reconsideration of the ministry's decision.

On March 17, 2016 the ministry received the appellant's signed request for Reconsideration.

On March 22, 2016 the minister reviewed the appellant's Request for Reconsideration

In the reconsideration decision the ministry denied the appellant a moving supplement under section 55 (2) (a) (b) (c) (e) but approved a supplement qualification under section 55 (2) (d) which states the ministry may provide a moving supplement if a family unit is 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. As the appellant's daughter would be responsible for \$650 of the monthly rent and the appellant \$400, the minister accepted that shelter costs would be significantly reduced as a result of the appellant's move.

Although the appellant qualified for a moving supplement under section 55 (2) (d) section 55(3) of the

EAPWDR states a family unit is only eligible for a moving supplement if there are no resources available to cover the costs of the move, and if a recipient in the family unit receives the minister's approval before incurring those costs. As the appellant had received payments from ICBC totaling \$5606.60, which was declared in January 2016, in the opinion of the minister, the appellant had resources available and therefore she had not met the criteria of Section 55 (3) (a). As well, the appellant requested a moving supplement on January 14, 2016, this request was denied on January 15, 2016. The appellant incurred costs on February 1, 2016 therefore did not have the minister's approval prior to incurring the costs and did not meet the criteria of section 55 (3) (b).

In the appellant's notice of appeal she wrote "your dates are incorrect, I gave notice to move Nov. 18/15. Dec. 12/15 filled out rent; went into office drop off rental forms on Dec. 2015 not Jan. 05/16. I made many trips to Social Services regarding moving why was I not given all the information at once to collect? Do not live with daughter." The appellant also noted on the appeal form that she needed to talk with a worker.

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

At the hearing the ministry referred to the Reconsideration Decision noting that to be eligible for a moving supplement a request must meet one of the criteria set out in Section 55(2) and all of Section 55 (3). The appellant did meet one criteria in Section 55 (2) but did not meet the criteria in Section 55 (3) therefore was unable to approve the request.

The ministry provided additional documentation clarifying the dates as noted in the above summary of facts. The documentation included

- Typed clarification of client actions related to her move to another location dating from December 4, 2015-march 22 2016.
- Appellant's monthly assistance forms dated; January 12, 2016, October 21, 2016
- Ministry computer screen shot of appellant's profile dated January 2016

### ***Admissibility of Additional Information***

The panel considered the documentation and agreed that it corroborates the ministry's claim of dates which was before the ministry at reconsideration. Therefore, the panel admitted this additional information as being in support of information and records that were before the ministry at the time of the reconsideration, in accordance with Section 22(4)(b) of the *Employment and Assistance Act*.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's determination that the appellant is not eligible to receive a moving supplement under s. 55 of EAPWDR because she did not meet the criteria set out in s. 55(3) required to receive a moving supplement, was a reasonable application of the legislation or reasonably supported by the evidence. In arriving at their decision the ministry relied upon the following:

### 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

[Redacted]

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.

### **Appellant's Position**

The appellant stated in the Notice of Appeal that she disagreed with the ministry's reconsideration decision as their dates were incorrect.

### **Ministry's position**

The ministry stated the appellant had not met the criteria of Section 55(3) (a) (b) therefore was not eligible for a moving supplement. In reference to Section 55(3) (a), the ministry noted the appellant reported ICBC income in the month of January 2016 thus in the minister's opinion the appellant had resources available to move in February, 2016. Section 55 (3) (b) was not met as the appellant had requested a moving supplement in January 2016 and was denied. As the appellant did not have approval prior to incurring the costs, she did not meet the criteria of section 55 (3) (b).

### **Panel Decision**

To be eligible for a moving supplement the appellant must meet one criteria in Section 55(2) and all of Section 55(3) of the EAPWDR. Although the appellant did meet one criteria in Section 55(2) as shelter costs would be significantly reduced, the appellant did not meet both criteria set out in Section 55(3), she had resources, as per Section 55 (3) (a), available through payments made by ICBC and she did not have prior approval to incur the costs as per Section 55 (3) (b).

### **Conclusion**

The panel finds that the ministry's reconsideration decision dated march 22, 2016 which determined that the appellant was not eligible for a moving supplement in accordance with Section 55 (3) was reasonably supported by the evidence, and therefore confirms the ministry's decision.