

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated March 31, 2016 which denied additional shelter funds for the appellant's utility costs as she was receiving the maximum shelter allowance available to her family unit pursuant to Section 24, Schedule A of the Employment and Assistance for Persons with Disabilities Regulation.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), Section 24, Schedule A.

PART E – Summary of Facts

The evidence before the ministry at reconsideration consisted of:

- The appellant's bank statement covering a range from January 1 to March 17, 2016 which indicated phone payments on February 2 and February 23 of \$55.00 each, as well as one on March 17 for \$50.00.
- An Account Maintenance Agreement for the appellant's telephone trial hardware upgrade dated March 9, 2016.
- The appellant's Request For Reconsideration dated February 29, 2016 which stated that financial support for her phone service is crucial for her medical needs, especially non-local medical needs which require much telephone use. Also, for appointments, confirmations, cancellations, transport arrangements, contact with the ministry and other service providers. The appellant stated that she is not physically able to access public phone booths and does not have a computer. A roundtrip to the library to access a computer costs \$15 and her minute phone allotment is precious and for medical emergencies.

The appellant's Notice of Appeal dated April 11, 2016 includes a letter with the appellant's arguments.

Findings of Fact:

1. The appellant is a sole recipient with no dependents who has had PWD designation since December 2012.
2. The appellant receives disability assistance of \$906.42/month which includes the maximum shelter allowance available to her family unit of \$375 and a support allowance of \$531.42.
3. The shelter allowance rate is not appealable.
4. The appellant's rent of \$375 is paid directly to her landlord.
5. The appellant has lived at her current residence since March 2015.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant additional shelter funds for the appellant's utility costs as she was receiving the maximum shelter allowance available to her family unit pursuant to Section 24, Schedule A of the EAPWDR was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Relevant Legislation

EAPWDR

Amount of disability assistance

24 Disability assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than

- the amount determined under Schedule A, minus
- the family unit's net income determined under Schedule B.

Schedule A

Family unit composition - Sole applicant/recipient and no dependent children

Age or status of applicant or recipient - Applicant/recipient is a person with disabilities

Amount of support - \$531.42

Monthly shelter allowance

4 (1) For the purposes of this section:

"family unit" includes a child who is not a dependent child and who resides in the parent's place of residence for not less than 40% of each month, under the terms of an order or an agreement referred to in section 1 (2) of this regulation;

"warrant" has the meaning of warrant in section 14.2 [consequences in relation to outstanding arrest warrants] of the Act.

(2) The monthly shelter allowance for a family unit to which section 14.2 of the Act does not apply is the smaller of

- the family unit's actual shelter costs, and
- the maximum set out in the following table for the applicable family size:

Family Unit Size	Maximum Monthly Shelter
1 1 person	\$375
2 2 persons	\$570
3 3 persons	\$660

How actual shelter costs are calculated

5 (1) For the purpose of this section, utility costs for a family unit's place of residence include only the following costs:

- fuel for heating;
- fuel for cooking meals;
- water;
- hydro;
- garbage disposal provided by a company on a regular weekly or biweekly basis;
- rental of one basic residential single-line telephone.

(2) When calculating the actual monthly shelter costs of a family unit, only the following items are included:

- rent for the family unit's place of residence;
- mortgage payments on the family unit's place of residence, if owned by a person in the family unit;
- a house insurance premium for the family unit's place of residence if owned by a person in the family unit;
- property taxes for the family unit's place of residence if owned by a person in the family unit;
- utility costs;
- the actual cost of maintenance and repairs for the family unit's place of residence if owned by a person in the family unit and if these costs have received the minister's prior approval.

(3) If utility costs fluctuate, they may be averaged over the periods

- beginning on October 1 and ending on March 31, and
- beginning on April 1 and ending on September 30.

The ministry argues that the appellant receives \$375, the maximum shelter allowance available for her family unit and that the ministry is unable to provide any additional assistance to help with her phone costs. The ministry's position is that there is no discretion available and they further indicate that the appellant could contact the ministry to discuss all of her monthly costs to determine if there are any supplements that may be available to her.

The appellant argues that her cell phone service is not described as a "Ministry utility cost" and this is not a "shelter allowance issue or REQUEST" rather that her cell phone service is a "Medical or Special Needs Request" as she is disabled with mobility issues and involved with out of town specialists and arranging transportation for medical reasons. The appellant's position is that her phone service is crucial for her medical success and medical emergencies. The appellant states that a land line residential telephone service was not an option for her as a first time customer as a \$200 deposit was required and the ministry denied her request and refused a repayment agreement. The appellant also argues that she should not be denied access to the ministry for information or to request her eligible needs or access to request transportation for medical purposes. The appellant indicates that the nearest ministry office would cost her \$80 cab fare as she is not allowed on transit due to her disability and mobility restraints and although, the library has a computer, it would cost \$15 for a round trip.

The panel finds that according to the legislation, utility costs for a family unit's place of residence can include only the rental of one basic residential single-line telephone which forms part of the actual shelter costs calculation up to the maximum allowable shelter rate for the family unit which in the appellant's case is \$375. The panel notes that the appellant pays \$375 per month for rent which doesn't allow any additional shelter funds to be put toward her telephone costs.

Further, the panel's review of the legislation finds that there is no other provision covering the circumstances the appellant has outlined in her "medical or special needs request". While the panel acknowledges the appellant's need to have access to a telephone, the panel also finds that there is no evidence to determine how many medically related calls are made by the appellant each month.

Given the above, the panel finds that the ministry's decision to deny the appellant additional shelter funds for the appellant's utility costs, specifically her telephone service, as she was receiving the maximum shelter allowance available to her family unit pursuant to Section 24, Schedule A of the EAPWDR was reasonably supported by the evidence.

Therefore, the panel confirms the ministry's reconsideration decision.