



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 May 10, 2016 which denied the Appellant a shelter allowance while he resides in an alcohol and drug treatment facility. The Ministry found that the Appellant did not provide verification of his shelter costs for his usual place of residence as required under section 10 of the Employment and Assistance Act, and was therefore ineligible for shelter costs while receiving special care as provided for under section 8 of Schedule A of the Employment and Assistance Regulation.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) section 10

Employment and Assistance Regulation (EAR) sections 28, 32; Schedule A sections 4, 8

PART E – Summary of Facts

The Ministry and Appellant were not in attendance at the hearing. After confirming that both parties were notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

Information before the minister at reconsideration included:

- A copy of an Admittance and Discharge form from a treatment centre showing the Appellant was admitted on March 30, 2016 for three months, with a handwritten note “Intent to rent not yet processed”.
- A copy of a Shelter Information form dated April 5, 2016, with the rental start date blank.
- A copy of the Appellant’s Application for Income Assistance signed by the Appellant April 4, 2016.
- The Appellant’s Request for Reconsideration, signed May 2, 2016, with a note written by the Appellant stating that his mother was reluctant to allow him to move back into her house, that he “moved in basically April 1, 2016” and owes his mother April, May and June rent and a security deposit.
- A copy of a Shelter Information form dated May 2, 2016, with a rental start date of April 1, 2016.

The Appellant wrote a note on his Notice of Appeal stating that he was living at an address where the landlord kicked him out. He then wandered the streets until he convinced his mother to allow him to move back in with her and his sister. They agreed on the condition he pay rent and a damage deposit, and he promised her the rent starting April 1. He then received a call from the treatment facility saying there was a bed available. The RCMP accompanied him to remove his belongings from his previous residence to his mother’s home. He stated that he needs a safe place to live when he leaves the treatment facility.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the Ministry decision to deny the Appellant a shelter allowance while he resides in an alcohol and drug treatment facility. The Ministry found that the Appellant did not provide verification of his shelter costs for his usual place of residence as required under section 10 of the Employment and Assistance Act, and was therefore ineligible for shelter costs while receiving special care as provided for under section 8 of Schedule A of the Employment and Assistance Regulation.

Legislation

EAA

Information and verification

10 (1) For the purposes of

- (a) determining whether a person wanting to apply for income assistance or hardship assistance is eligible to apply for it,
- (b) determining or auditing eligibility for income assistance, hardship assistance or a supplement,
- (c) assessing employability and skills for the purposes of an employment plan, or
- (d) assessing compliance with the conditions of an employment plan,

the minister may do one or more of the following:

- (e) direct a person referred to in paragraph (a), an applicant or a recipient to supply the minister with information within the time and in the manner specified by the minister;
- (f) seek verification of any information supplied to the minister by a person referred to in paragraph (a), an applicant or a recipient;
- (g) direct a person referred to in paragraph (a), an applicant or a recipient to supply verification of any information he or she supplied to the minister.

(2) The minister may direct an applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for income assistance, hardship assistance or a supplement.

(3) Subsection (1) (e) to (g) applies with respect to a dependent youth for a purpose referred to in subsection (1) (c) or (d).

(4) If an applicant or a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for income assistance, hardship assistance or a supplement for the prescribed period.

(5) If a dependent youth fails to comply with a direction under this section, the minister may reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

EAR

Amount of income assistance

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



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

32 (1) For the purposes of section 10 (4) [*information and verification*] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction.

(2) For the purposes of section 10 (5) [*information and verification*] of the Act,

(a) the amount by which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit is \$100 for each calendar month, and

(b) the period for which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

Schedule A

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 a warrant in section 15.2 [*consequences in relation to outstanding arrest warrants*] of the Act.

(2) The monthly shelter allowance for a family unit to which section 15.2 of the Act does not apply is the smaller of

(a) the family unit's actual shelter costs, and

(b) the maximum set out in the following table for the applicable family size:

Item	Column 1 Family Unit Size	Column 2 Maximum Monthly Shelter
1	1 person	\$375

People receiving special care

8 (1) For a person who receives accommodation and care in a special care facility or a private hospital or who is admitted to a hospital because he or she requires extended care, the amount referred to in section 28 (a) [*amount of income assistance*] of this regulation is the sum of

(a) the actual cost, if any, to the applicant or recipient of the accommodation and care at the rate approved by the minister for the type of facility, plus

(b) a comforts allowance of \$95 per person for each calendar month.

(2) If the special care facility is an alcohol or drug treatment centre, the minister may, in addition, pay either or both of the following while the applicant or recipient is in the alcohol or drug treatment

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centre:

(a) actual shelter costs for the applicant's or recipient's usual place of residence up to the amount under section 4 for a family unit matching the applicant's or recipient's family unit;

(b) a monthly support allowance for the applicant's or recipient's family unit, equal to the amount calculated under sections 2 and 3 of this Schedule minus the portion of that allowance that would be provided on account of the applicant or recipient.

The Appellant's position is that he has provided two shelter information forms to the Ministry, he has to pay rent to his mother while he is in the treatment facility and he is concerned that he will not have a safe place to go when he is released. He argued that his mother needs the rental income or she might rent to someone else.

The Ministry's position is that the information indicates that his mother's house is not the Appellant's usual place of residence and he has not provided evidence to show that he was paying rent to maintain a residence prior to entering treatment. The Ministry argued in the Reconsideration Decision that the Appellant's usual residence was different from his mother's address. The Ministry wrote that the Appellant lived at a different address from May, 2010 to September, 2014, his mother's address from October 2014 to February, 2015, and then returned to the same different address from March to November, 2015.

The Panel notes that section 8(2)(a) of Schedule A provides for payment of actual shelter costs up to the amount shown in section 4 of Schedule A, EAR for a recipient's usual place of residence if the person is in an alcohol or drug treatment centre. The Ministry held that the Appellant did not provide evidence that he was paying rent to maintain a residence prior to entering the treatment facility, and did not provide verification that his mother's address was his usual place of residence, therefore he is not eligible for a shelter allowance while he resides at the treatment facility.

The Panel notes that the information provided by the Appellant, two Shelter Information forms, one with no rental start date and one with a rental start date of April 1, 2016 do not provide verification of his residence prior to commencing treatment. In addition, the Appellant stated in his Request for Reconsideration the "I moved in basically April 1, 2016". The Panel finds that there was no evidence provided to show that the Appellant was paying rent to maintain a residence prior to entering the care facility or that his mother's home was his usual place of residence. The Panel finds that the Ministry reasonably denied the Appellant a shelter allowance while he resides in an alcohol and drug treatment facility.

The Panel therefore confirms the Ministry decision as reasonably supported by the evidence.