



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of June 9, 2016 wherein the ministry determined the appellant is ineligible for income assistance because she did not provide all of the information requested by the ministry under section 10(1) and 10(4) of the Employment and Assistance Act (EAA) so that her eligibility for income assistance could be determined; and, that she will be ineligible for income assistance until she complies with the Ministry’s direction as set out in section 32(1) Employment and Assistance Regulation (EAR).

PART D – Relevant Legislation

EAA - section 10
EAR - section 32

PART E – Summary of Facts

The appellant did not attend the hearing. The panel being satisfied the appellant was notified of the date and time of the hearing, the hearing proceeded under section 86(b) of the EAR.

The evidence before the ministry at the time of reconsideration:

- Letter dated May 2, 2016 from ministry, with a review checklist attached, to the appellant requesting information or verification of information for the purpose of determining the appellant's eligibility for assistance;
- Request for Reconsideration dated May 31, 2016 with a two page attachment providing her reasons for not complying with the ministry's request for information;

The appellant is currently receiving income assistance as a single person. Her file was re-opened in January 2014.

The following is a summary of the facts:

- On November 25, 2013 an investigative officer with the ministry (IO) completed a compliance review on the appellant. The IO determined the appellant had earned income in 2012 and was requested to submit confirmation of these earnings in addition to other documents pertaining to her eligibility. The documents were not submitted and the appellant's file was closed.
- On January 7, 2014 the appellant's file was re-opened.
- On March 31, 2016 an IO opened a compliance review to determine her outstanding eligibility issues associated with the file closure on November 25, 2013.
- On April 4, 2016 the IO sent the appellant a first request for information advising if she required assistance in obtaining any of the requested documentation to contact the IO;
- A follow-up letter was sent on April 18, 2016 and on April 21, 2016 the IO met with the appellant and discussed the outstanding documents required to complete the compliance review.
- On May 2, 2016 the ministry sent the appellant a denial letter advising that her file was set to close on May 31, 2016. Again, in the letter, the ministry advised the appellant if she required assistance in obtaining any of the information to contact the IO.
- On this same day, May 2, 2016, the appellant submitted some documentation for review including rent receipts, a letter advising all her tax documents had been requested from Canada Revenue Agency (CRA) and would be mailed to her, chequing and saving account statements, and a cable bill.
- The IO had requested the appellant submit;
 - rent receipts for the time period of October 2011 to February 2012, June 2012 to June 2013, August 2013 to November 2013 and February 2014 to December 2015;
 - confirmation of rental expenses;
 - utility bills for a specific address;
 - records of all income including Records of Employment (ROE) for all employers;
 - documents confirming the status of her Employment Insurance (EI) claim;
 - Notice of Assessment (NOA) and corresponding T4's and T5's from 2012 to present;
 - bank profiles and financial institution account statements for past 90 days;
 - student loan information outlining whether she received loans between October 2011 and February 2012 or June 2012 and June 2013.
- The ministry accepted that her tax records were not scheduled to arrive for 4 to 6 weeks after

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her request was submitted on May 2, 2016 and therefore the appellant would not be able to submit the tax information until June 13, 2016.

In section 3 of the Request for Reconsideration dated May 31, 2016, the appellant provided the following in the attachment:

- I feel it is unfair to ask someone for such old documents and cut off assistance because they no longer possess them, including rent receipts, hydro, internet.
- My financial situation is limited to truly the help of income assistance no family or friends.
- Without income assistance I will be left homeless on the streets.
- I have suffered from anxiety due to losing my roommates/best friends, grandma, mother, aunt over the last 2 years who were close family friends to me.
- I have suffered anxiety and low self-esteem due to emotional & (and) (indiscernible) abusive parents who fail to leave me alone and show up unwanted at my home & (and) constantly harass me.
- These obstacles leave me finding it hard to find employment due to employers hiring other people causing me more stresses & (and) low self-esteem problems.

The panel finds the appellant's statements in the Request for Reconsideration attachment are argument.

The ministry relied on the facts stated in the Reconsideration decision.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision of June 9, 2016 which held that the appellant was ineligible for income assistance because she did not provide all of the information requested by the ministry under section 10(1) and 10(4) of the EAA so that her eligibility for income assistance could be determined; and, that she will be ineligible for income assistance until she complies with the ministry's direction as set out in section 32(1) EAR.

The legislation considered:

EAA - Information and verification

Section 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.

EAR - Consequences of failing to provide information or verification when directed

Section 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.

Ministry's position

The Ministry's position is that the appellant had been requested several times to provide certain information so that her eligibility for income assistance could be determined. The ministry argued that although she did provide some banking information, a cable bill and a bank account profile she failed to provide several other documents, rent receipts, ROE's and utility bills. The ministry argued that the IO offered several times to assist the appellant if she was having difficulty in obtaining the information but she did not request assistance. The ministry stated that since her eligibility for income assistance cannot be determined she is no longer eligible for income assistance and will remain ineligible for income assistance until she complies with the ministry's direction (provides the requested information).

Appellant's Position

The appellant argued that it was unreasonable for the ministry to ask someone for such old documents and cut them off assistance because they no longer possess them. The appellant argued that without income assistance she will be homeless on the streets.

Panel Decision

Under section 10 of the EAA, the minister may request information from a person who is receiving income assistance, such as the Appellant, to determine ongoing eligibility for assistance. If the appellant fails to provide that information, the minister may declare her to be ineligible for assistance.

Having reviewed all of the evidence, the Panel finds that, despite several requests from the ministry over several months, the appellant failed to provide the ministry with the requested information about her income, her employment, her student loans and her shelter costs. The Appellant also failed to provide that information with her request for reconsideration. The Panel notes that there is information in the record that some of the other requested information was provided – cable bill, bank statement and bank profile – and her tax information has been requested from CRA which she should have received in mid-June. However, the appellant did not explain why she did not request the assistance of the IO or what efforts she made to obtain the information requested by the ministry.

Therefore, the Panel finds that the ministry reasonably determined, pursuant to section 10(4) of the EAA, that the Appellant was no longer eligible for income assistance and, pursuant to section 32 (1) of the EAR is not eligible for assistance until she complies with the ministry's direction.

The Panel confirms the Ministry's reconsideration decision.