



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the Ministry) reconsideration decision dated May 17, 2016, that denied the appellant's request for a supplement to cover the costs of moving. The Ministry determined that the appellant's request did not meet all of the legislative criteria set out in section 57 of the Employment and Assistance Regulation, and in particular found that while she met the requirements of section 57(3), she did not meet any of the requirements of section 57(2).

PART D – Relevant Legislation

Employment and Assistance Regulation, section 57

PART E – Summary of Facts

The Appellant applied for a moving supplement so that she could move from one community in British Columbia to another community a little over 400 km away.

- On March 7, 2016 the Appellant advised the Ministry of a plan to move
- April 12, 2016 the Appellant submitted three quotations for moving in the sum of \$1,231.75, \$1,200.00 and \$750.00
- On April 26, 2016 the Appellant advised the Ministry that she had already moved and was awaiting approval to have her belongings moved
- On April 27, 2016 the Appellant's request for a moving supplement was denied
- On May 5, 2016 the Appellant requested Reconsideration and submitted a copy of her current residential tenancy agreement for the new location
- In an undated letter submitted to the reconsideration officer the Appellant stated:
 - In the present location she had items that needed to be moved to the new location
 - Was told to submit three quotations for moving and did so in the sum of \$1,231.75, \$1,200.00 and \$750.00
 - She does not have car or a current drivers licence
 - She had to move from her current location to the new location and her belongings consisted of six boxes all packed, one large suitcase and a large duffle bag
 - It was now April and she had not received cheques for shelter reimbursement for November and December and the Ministry has them on file; she requested the cheques be issued and deposited into her bank account or mailed to her and that if there was an issue to please advise her
 - She currently does not have a mattress and is sleeping on a borrowed cot
 - She was using two borrowed pots and did not have any cutlery dishes or a vacuum and was requesting start-up funding of any type of assistance that can be offered
- There was no evidence as to the Appellant's place of residence, from which she wished to move from to the new residence, but she did state that she had been staying at a particular place in the old location.
- The Reconsideration Officer contacted that place to try and obtain confirmation of the shelter costs, but a representative from that place stated that the Appellant had never been heard of and had no record of the Appellant renting there

PART F – Reasons for Panel Decision

Issue

The issue on this appeal is whether the Ministry of Social Development and Social Innovation's (the Ministry) reconsideration decision dated May 17, 2016, that denied the appellant's request for a supplement to cover the costs of moving was reasonably supported by the evidence or was a reasonable application of the Employment and Assistance Act and Regulations in the circumstances of the Appellant. The Ministry determined that the appellant's request did not meet all of the legislative criteria set out in section 57 of the Employment and Assistance Regulation, and in particular found that while she met the requirements of section 57(3), she did not meet any of the requirements of section 57(2).

Jurisdiction

The panel has jurisdiction to hear and determine this Appeal pursuant to section 19(1)(a) of the *Employment and Assistance Act*.

Relevant Legislation

Employment and Assistance Regulation (EAR), Section 57

Supplements for moving, transportation and living costs

57 (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 income assistance, other than as a transient under section 10 of Schedule A, 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 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 20 [*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 was that the Appellant did not qualify for a moving supplement under section 57(2) of the *Employment and Assistance Regulation*.

Appellant's Position

The Appellant provided a written statement of her position with attached documents to the Tribunal on June 1, 2016.

In her written statement the Appellant argued

- that her last place of residence was a motel where she stayed for a month, but because of a price increase was forced to look for "other accommodating"
- that she had provided her receipt for shelter costs and was reimbursed up to \$375.00
- that she resubmitted the receipt with her request for reconsideration to show savings generated by the move
- that it was difficult to find permanent or semi-permanent low cost housing
- that over the past year she has moved from place to place, staying a few nights at a time in temporary housing
- that by January her health and safety became critical and she ended up in a hospital on the mainland
- that in March she was finally able to find permanent housing in the new city and arrived there as quickly as she could in order she did not lose that housing but, left all of her things in the city where she formerly resided
- that her belongings still needed to be moved to the new city
- that in addition to the quotations for moving her belongings she suggested that they be loaded into a taxi and transported to her new city at a quoted cost of \$550.00.

With her written statement the Appellant attached:

- A copy of what she describes as a receipt from the motel in which she formerly resided
- A copy of a pre-paid transaction on a pre-paid credit card

The panel views the written document submitted with the other documents as a statement of the Appellant's position, and observes that as to any facts set out in the Appellant's position, she has not provided any evidence to support the facts alleged in her statement.

The receipt from the hotel booking and the pre-paid card receipt are not items that were before the

reconsideration officer. Further, in the hotel booking receipt, the Appellant's name does not appear. On the pre-paid credit receipt, the Appellant's name does not appear except for the notation "One Bedroom Suite for guest: [Appellant Name]" and below that appears the notation "GuestName [Appellant Name]". In that part of the pre-paid card receipt, which appears to be a transaction from a pre-paid debit or credit card, the name of Appellant does not appear where one would expect the name of the owner of the card to appear.

In her submission the Appellant says that she enclosed a photocopy of a business card and quote for the taxi. In fact the business card and quote were not included in the material submitted for the Appeal, and were not before the reconsideration officer.

The request for a moving supplement was made in March and April 2016, but the motel booking receipt and pre-paid credit/debit card receipt were for a one month stay in April 2015, not in 2016. They therefore pre-date the request for moving supplement by approximately one year. The Appellant's submissions are specifically that over the past year she moved from place to place, and was in hospital in the lower mainland in January.

Panel Findings - Admissibility of Documents Submitted

The panel finds that

- (a) the motel receipt from booking, and
- (b) the pre-paid debit/credit card receipt

are neither information or records nor oral or written testimony in support of information and records that were before the Minister when the reconsideration decision was made. Therefore pursuant to the *Employment and Assistance Act*, section 22(4) the Panel does not admit those documents into evidence.

Panel Findings – Admissibility of Facts Alleged in Appellant's Written Submission

In so far as the Respondent's submissions alleged facts, namely

- That she submitted her receipt for shelter cost and was reimbursed up to \$375.00
- That she has resubmitted the receipt with her request for reconsideration
- That over the past year she moved from place to place staying a few nights in temporary housing
- That by January due to health concerns she ended up at a hospital in the lower mainland
- That in addition to the quotations for moving her belongings she suggested that they be loaded into a taxi and transported to her new city at a quoted cost of \$550.00

the panel finds that these allegations of fact are neither information or records nor oral or written testimony in support of information and records that were before the Minister when the reconsideration decision was made. Therefore pursuant to the *Employment and Assistance Act*, section 22(4) the Panel does not admit those factual allegations into evidence.

Analysis

In order to qualify for a supplement for moving, transportation and living costs the Appellant must satisfy one of the conditions in *EAR*, section 57(2), (3) and (4).

***EAR* Section 57(3)**

The Appellant must qualify under this subsection in that she must show there were no resources available to cover the costs for moving and must receive the Minister's approval before incurring those costs.

At reconsideration the Minister accepted that the Appellant had no resources available to cover the cost of the move, and that she did apply before incurring those costs, and therefore qualified under *EAR* Section 57(3).

The question is whether or not the Appellant qualifies under one of the paragraphs in *EAR* Section 57(2).

***EAR* Section 57(2) Generally**

That there are 5 paragraphs under *EAR* Section 57(2) which are relevant to moving supplements. The Appellant must qualify under at least one of them in order to be eligible for a moving supplement.

***EAR* Section 57(2)(a)**

Under this subsection, a moving supplement may be granted to move anywhere in Canada if the Appellant has arranged confirmed employment that will significantly promote financial independence and the Appellant is required to move to begin that employment.

At reconsideration there was no evidence that the Appellant had a confirmed job in the community to which she moving. The Appellant gave as a reason for moving only that accommodation in the new city would be less costly.

The Reconsideration Officer concluded that as there was no evidence the Appellant had a confirmed job to go to, she did not satisfy the requirement of this sub-section.

The panel finds as there was no evidence the Appellant had confirmed employment in the new city, the Ministry's decision that the Appellant does not qualify for a moving supplement under *EAR* section 57(2)(a) was reasonable.

***EAR* Section 57(2)(b)**

Under this subsection the Appellant must show that she is moving to another province or country in order to improve living circumstances.

At reconsideration the evidence was that the Appellant was moving from one community in British Columbia to another community in British Columbia, not out of province or out of country.

The Reconsideration Officer concluded that this subsection was not applicable.

The panel finds that because the Appellant is moving within the province, not to another province or country, the Ministry's decision that the Appellant does not qualify for a moving supplement under

EAR section 57(2)(b) was reasonable.

***EAR* Section 57(2)(c)**

Under this subsection, the Appellant would qualify for a moving supplement if her rented residential accommodation is being sold or demolished and she has received a Notice to Vacate, or it has been condemned.

At reconsideration there was no evidence that the Appellant's current accommodation was being sold, demolished, or condemned; at reconsideration the Appellant provided no evidence as to the location of the accommodation from which she wished to move, or evidence that the accommodation was being sold, demolished, or condemned. The reconsideration officer concluded that *EAR* section 57(2)(c) was not applicable.

The panel finds that as there was no evidence as to the Appellant's former place of residence being sold, demolished, or condemned, the Ministry's decision that the Appellant does not qualify for a moving supplement under *EAR* section 57(2)(c) was reasonable.

***EAR* Section 57(2)(d)**

In order to qualify under this subsection the Appellant must show that as a result of the move her shelter costs would be significantly reduced.

There was no evidence as to where the Appellant was residing prior to the move; the evidence before the reconsideration officer was that the Appellant's file indicates she had no fixed address for several months prior to the move to the new community.

The reconsideration officer did find a receipt for \$500.00 rent for December 2015, but the address of the place for that accommodation was not named; there was also a receipt for five nights in a motel in October 2015. At reconsideration the Appellant said she was moving from a particular location to the new location, but when the Reconsideration Officer contacted the place from which the Appellant said she was moving to obtain confirmation, the officer was told that there was no record of the Appellant staying there.

The reconsideration officer concluded that the new accommodation in the new city was a newly acquired shelter cost and therefore Section 57(2)(d) was not applicable.

The panel finds that in order to determine whether or not shelter costs would be significantly reduced as a result of the move, the Appellant must have something with which to compare the cost of the new shelter; by not providing a location or the cost of the place from where the Appellant was moving there is nothing with which to compare the shelter cost in the new city and therefore the Ministry's decision, that the Appellant does not qualify for a moving supplement under *EAR* section 57(2)(d) as it is not possible to determine if there is a significant reduction, was reasonable.

***EAR* Section 57(2)(e)**

In order to qualify under this subsection the Appellant must show that she must move to another area of British Columbia to avoid an imminent threat to her physical safety.

At reconsideration there was no evidence that the Appellant was in danger of any imminent threat to

her physical safety and the Reconsideration Officer concluded that *EAR* section 57(2)(e) was not applicable.

The panel finds that, as there was no evidence showing any imminent threat to the Appellant's physical safety, the Ministry's decision that the Appellant does not qualify for a moving supplement under *EAR* section 57(2)(e) was reasonable.

Conclusion

The panel finds that the Appellant, while qualifying for a moving supplement under *Employment and Assistance Regulation* section 57(3), does not qualify for a moving supplement under any of the paragraphs of the *Employment and Assistance Regulation* section 57(2). As she must qualify under both sections 57(2) and 57(3) in order to be eligible for a moving supplement, the panel finds that that the Ministry's Reconsideration Decision, which determined that the Appellant was not eligible for a moving supplement, was reasonably supported by the evidence and was a reasonable application of the *Employment and Assistance Act* and *Regulations* in the circumstances of the Appellant, and therefore confirms the decision.

The Appellant was not successful in her appeal.