



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 September 28, 2016 in which the ministry found that, pursuant to the the Employment and Assistance Regulation Schedule A, Sections 4 and 5, the appellant is not eligible for the shelter allowance portion of his disability assistance because the appellant has not provided confirmation that he has shelter costs for which a shelter allowance may be issued.

PART D – Relevant Legislation

Employment and Assistance Act (EAA), Section 4, and Section 10

Employment and Assistance Regulation (EAR), Schedule A Section 4(2) and Section 5

PART E – Summary of Facts

The appellant is a sole recipient receiving income assistance as a person with persistent multiple barriers.

The evidence before the ministry at the reconsideration consisted of the following:

1. The appellant's request for reconsideration, dated September 12, 2016. Under "Reasons for Request for Reconsideration", the appellant wrote that:
 - He is now "living in the bush" and had to buy a tent, tarpaulin, cook stove and gas for the stove;
 - The ministry's records show that he receives \$478 per month in the form of a Canada Pension Plan (CPP) benefit, whereas he receives \$418 per month in CPP benefits; and
 - The amount of money he receives in assistance is not adequate.

Evidence on Appeal

In his Notice of Appeal (NOA) dated October 25, 2016, the appellant expressed his disagreement with the ministry's reconsideration decision and wrote that he needs to pay for food and gas for the stove and that \$300 was inadequate to cover those costs. He said that the ministry would not provide the \$300 unless he handed "it and the whole \$600" to a landlord.

The panel accepted the appellant's NOA as argument.

The Hearing

The appellant did not attend the hearing. After confirming that the appellant was notified of the hearing, the hearing proceeded under Section 86(b) of the EAR.

At the hearing, the ministry relied on the reconsideration decision. The appellant had asked for assistance in the amount of the cost of the tent, the tarpaulin, the cook stove and the fuel for the cook stove. However, the legislation only provides for assistance to cover the cost of the cook stove fuel if receipts are provided, and the appellant had not provided receipts for the cook stove fuel.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry decision, in which the ministry found that, pursuant to the EAR Schedule A, Sections 4(2) and 5(1), the appellant is not eligible for the shelter allowance portion of his income assistance because he has not provided confirmation that he has shelter costs for which a shelter allowance may be issued, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

Section 4 of the EAA provides:

Interpretation

Income assistance and supplements

- 4** Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

Section 4(1) of Schedule A of the EAR provides in part:

Monthly shelter allowance

- 4** (2) The monthly shelter allowance for a family unit ... 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

Section 5 of Schedule A of the EAR provides in part:

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:
- (a) fuel for heating;
 - (b) fuel for cooking meals;
 - (c) water;
 - (d) hydro;
 - (e) garbage disposal provided by a company on a regular weekly or biweekly basis;
 - (f) 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:

- (a) rent for the family unit's place of residence;
- (b) mortgage payments on the family unit's place of residence, if owned by a person in the family unit;
- (c) a house insurance premium for the family unit's place of residence if owned by a person in the family unit;
- (d) property taxes for the family unit's place of residence if owned by a person in the family unit;
- (e) utility costs;
- (f) 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.

* * * *

Appellant's Position

The appellant's position is that he is no longer living in rental accommodation and as a result he had to buy a tent and tarpaulin for shelter and a cook stove and fuel for his food, none of which he can afford. The income he receives from his CPP benefit is not adequate to cover his living expense, and the ministry should assist him by paying him the shelter allowance to which he feels he is entitled.

Ministry's Position

The ministry's position is that the appellant is not entitled to a shelter allowance to cover rent, mortgage payments, a house insurance premium, property taxes or the actual cost of maintenance and repairs because he does not own a home or pay rent. In addition, while the appellant may be entitled to utility costs, which in this case would be the cost of fuel for cooking meals, he cannot be reimbursed for cook stove fuel costs because he has not provided the ministry with any receipts for utility costs.

Panel's Decision

Section 4(1) of Schedule A of the EAR says that a one person family unit is entitled to a monthly shelter allowance equivalent to the family unit's actual shelter costs up to the maximum monthly amount of \$375.

Section 5(2) of Schedule A of the EAR says that only the following items can be included in the calculation of monthly shelter costs: rent or mortgage payments for the family unit's place of residence, house insurance, property taxes and the actual cost of maintenance and repairs for the family unit's place of residence if a person in the family unit owns the family unit's place of residence, and utility costs. As the appellant is a single person family unit who does not own or pay rent for his

place of residence, the only costs that can be included in calculating the appellant's monthly shelter allowance are the appellant's utility costs.

Section 5(1) of Schedule A of the EAR identifies utility costs for a family unit's place of residence to include only the following: fuel for heating and cooking meals, water, hydro, garbage disposal and the rental of a basic residential telephone line. The only of these utility costs incurred by the appellant is the cost of fuel for cooking meals. Ministry policy requires that in order to be reimbursed for eligible costs, a recipient must submit receipts.

The panel finds that the ministry reasonably determined that the portion of the appellant's actual shelter costs that are eligible for reimbursement in this instance would be the cost of fuel for cooking meals.

With respect to the appellant's contention that the amount of income he receives from his CPP benefit is \$418 and not \$487.14, the panel finds that the ministry reasonably determined that the ministry decision under appeal is the reconsideration decision which denied the appellant a shelter allowance and that the amount of income that the recipient receives is a separate issue which must be dealt with separately.

Conclusion

As a result the panel finds that the ministry's decision to deny the appellant's request for a shelter allowance was a reasonable application of the legislation and was reasonably supported by the evidence. The panel confirms the ministry's reconsideration decision and the appellant's appeal, therefore, is not successful.