

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of November 28, 2016 that determined the appellant was not eligible for a moving supplement under section 57 *Employment and Assistance Regulation* (EAR) because the circumstances of her move were none of those set out under section 57(2) EAPWDR. The ministry was satisfied the appellant met the criteria under section 57(3) EAR.

## PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), section 57

## PART E – Summary of Facts

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

The evidence before the ministry at the time of reconsideration:

- Memo to ministry worker (EAW) dated October 31, 2016 which states that she was told she has to move within 3 months and has now found a bachelor suite. Was expecting help from friends to move but that won't happen now. Can't lift anything heavy due to back issues. Requests assistance with moving her heavy items;
- Shelter Information form dated stamped October 31, 2016 and signed by the landlord on October 28, 2016. Rent is \$580 per month no utilities, security deposit is \$290. One adult renting. Start date - November 1, 2016;
- Letter dated November 1, 2016 from appellant's mother which states that the rental was a short term arrangement and the appellant can no longer live at mother's residence due to the mother's health issues;
- Memo to EAW dated November 1, 2016 which states that she (the appellant) had moved without knowing that she needed prior approval; further that she is now sharing a place which brings her rent down to \$290 per month. She is requesting assistance to move the heavy items because of back issues and friends unable to help;
- Request for Reconsideration dated November 11, 2016;

The appellant is a single recipient of income assistance who has been residing with her mother off and on for the past several years but due to her mother's health issues she has been asked to move. On October 31, 2016 the appellant requested a moving supplement and submitted her Shelter Information form which indicated she was a single renter, the unit was available on November 1, 2016 and the rent would be \$580 per month, not including utilities. In support of her request the appellant submitted a letter from her mother indicating the reason for the move. On November 1, 2016 the appellant also submitted a memo to an EAW which stated that she is now sharing the rental unit which will reduce her rent to \$290 a month. The appellant was paying \$400 a month at her mother's place. On November 2, 2016 an EAW contacted the landlord who advised the appellant's roommate is a one-month tenancy only and that will not extend past on December 1, 2016.

On the Notice of Appeal the appellant stated that she can't move anything heavy due to medical reason. Magnetic Resonance Imaging (MRI) on file. Need bed, etc. Went again on Nov 27 for MRI which can submit.

The panel finds the statements made by the appellant on the Notice of Appeal confirms previous information respecting the appellant's back problems and are therefore in support of the information before the ministry at reconsideration and admissible under section 22(4) of the Employment and Assistance Act.

The ministry relied on the facts in the Reconsideration decision.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration of November 28, 2016 that determined the appellant was not eligible for a moving supplement under section 57 *Employment and Assistance Regulation* (EAR) because she did not meet all the criteria under section 57(2) EAPWDR is reasonably supported by the evidence or is a reasonable application of the legislation in the circumstances of the appellant.

The legislation considered: EAR

### Section 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;
- (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.

### Ministry's Position

The ministry's position is that to be eligible for a moving supplement a person (or family unit) must meet one of the legislated criteria listed in section 57(2) EAR and all of the legislated criteria set out in section 57(3) EAR.

The ministry's position is that section 57(2) states a moving supplement for moving costs may only be provided for the following reasons: (move location and circumstances):



Section	Move Location	Reason for Move
57(2)(a) -	Move Anywhere in Canada	Confirmed employment if the employment would significantly promote financial independence
57(2)(b) -	Move to another Province or Country	To Improve living circumstances
57(2)(c) -	Move within or to an adjacent Municipality	Current accommodation is being sold, demolished, or condemned, and notice to vacate has been given or has been condemned;
57(2)(d) -	Move within or to an adjacent Municipality	shelter costs would be significantly reduced
57(2)(e) -	Move anywhere in British Columbia	To avoid an imminent threat to her physical safety

The ministry's position is that the appellant did not provide any information that she moved for a confirmed job, to improve her living circumstances, because the place where she was living was being sold, demolished or condemned or to avoid an imminent threat to her physical safety. The ministry argued the appellant requested a moving supplement to move her heavy items for health reason. The ministry stated that once she was told that the only area she would qualify under was to significantly reduce her shelter costs she came back to the ministry office the next day to advise she now had a roommate to pay half the rent which reduced her rent from \$580 a month to \$290 a month. The ministry contacted the appellant's new landlord who advised the roommate would only be staying for one month which the ministry argued would be a short term arrangement. The ministry determined this arrangement was short term and would not significantly reduce her shelter costs as set out in section 57(2)(d) EAR and make her eligible for a moving supplement because the rent at her new accommodation has increased to \$580 from \$400.

Appellant's Position

The appellant's position is that she thought she had friends that would help her move but that arrangement did not work out. The appellant argued that she needs a moving supplement because she has health issues with her back and is not supposed to lift heavy items. The appellant also argued her new accommodation is cheaper than living with her mother because she is only paying \$290 a month compared with \$400 a month at her mom's place.

Panel Decision

The evidence before the panel is that the appellant was living with her mother on a short term basis, and paying \$400 a month rent and it was time for the appellant to move. On October 28, 2016 the appellant signed a rental agreement to rent a bachelor suite for \$580 a month, not including utilities, commencing November 1, 2016. The contract showed only 1 person renting this unit. A security deposit of \$290 was also required. On October 31, 2016 the appellant attended the ministry office requesting assistance with moving because she has back issues. Her request was denied because she had not met the criteria in section 57(2) and specifically, that she had not significantly reduced

her shelter costs. On November 1, 2016 the appellant returned to the ministry office to advise she had found a roommate who would be sharing the rent and now her rent would only be \$290 a month compared to \$400 a month she was paying her mother. However, the ministry's position that the appellant had not significantly reduced her shelter costs as set out in section 57(2)(d) EAR is supported by the landlord who advised the appellant's roommate was only there for one month. The panel finds this arrangement would not significantly reduce the appellant's shelter costs as roommate was only sharing the bachelor suite with her for one month. The panel finds the ministry's decision that the appellant's move would not significantly reduce her shelter costs as required by section 57(2)(d) EAR was reasonable.

There is no evidence before the panel that the appellant submitted information to the ministry to indicate that she was moving for employment reasons, to improve her living circumstances or to avoid an imminent threat to her physical safety. The evidence is that the appellant was living with her mother on a short term arrangement and the time had come for her to move.

The panel finds that requesting a moving supplement for health reasons does not meet any of the criteria set out in section 57(2) EAR.

The panel finds the ministry's decision that the appellant did not meet any of the criteria set out in section 57(2)(a), 57(2)(b), 57(2)(c) or 57(2)(e) EAR for a moving supplement was reasonable.

The panel finds the ministry's reconsideration decision of November 28, 2016 was supported by the evidence and was a reasonable application of the legislation in the circumstances of the appellant and confirms the decision.