

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision of February 16, 2017 in which the ministry determined the appellant was ineligible for the bus pass supplement as her yearly income exceeds the requirements for the federal guaranteed income supplement pursuant to Section 66 of the Employment and Assistance Regulations (EAR).

PART D – Relevant Legislation

EAR Section 66

PART E – Summary of Facts

The appellant is over 65 years of age, living in Canada less than 10 years.

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

- A printout from Service Canada, for the period January to March 2017, that shows the maximum amount of annual income to receive the Guaranteed Income Supplement (GIS) is \$17,544.
- A letter dated February 6, 2017 from the appellant to the Bus Pass Program requesting reconsideration of her application for the Bus Pass.
- A letter dated December 2, 2016 from CPP to the appellant showing that the total monthly amount of her CPP will be \$15.49 per month.
- A letter dated May 27, 2015 from the ministry to a person confirming that he had been approved for PWD.
- A form dated August 29, 2016 completed by the appellant and titled “BC Bus Pass Program Applicants 65 years or over and living in Canada less than 10 years”.
- A Citizenship and Immigration Canada form IMM5292 in the appellant’s name.
- A copy of the appellant’s passport.
- The appellant’s 2015 Notice of Assessment from the Canada Revenue Agency showing that her total net income for 2015 was \$17,603.
- Copies of letters dated September 2, 14 and 19, 2016 and November 7, 2016 between the appellant and the Bus Pass Program requesting submission of Immigration Forms and the appellant’s submission of the requested information.
- A letter dated December 7, 2016 from the Bus Pass Program to the appellant informing her that she is not eligible for a bus pass at this time as her yearly income must not exceed \$17,544.

In her Notice of Appeal dated February 22, 2017 the appellant stated that the small amount being requested will help her support her everyday life and she wants to enjoy the rest of her life.

The appellant was present during the hearing, but had signed a release of information requesting that her son be her representative on her behalf.

The appellant’s representative (the appellant) explained that they had difficulty submitting a copy of her immigration documents to the bus pass program but that they did finally receive a letter that informed her that she was not eligible for a bus pass because her total income of \$17,603, taken from her 2015 Notice of Assessment (NOA), exceeded the allowable limit of \$17,544. The appellant explained that the breakdown of her total income for 2015 was \$14,352 earnings plus \$3,250 that she received for caring for her disabled grandchild. The appellant’s opinion is that she was only \$59 over the allowable amount, and because some of that income was for caring for a disabled person, that this should be taken into consideration. The appellant also noted that her total income for 2016 is less than the maximum income limit and anticipates being eligible for this year’s bus pass, but that she did not want to wait another three to six months to receive a bus pass, so she wanted this hearing to proceed.

The ministry relied on its reconsideration decision and emphasized that the legislation is very clear that someone over the age of 65 with less than 10 years residency must meet the eligibility

requirements for the federal guaranteed income supplement, which includes an maximum income threshold of \$17,544. The ministry's decision is based upon the fact that since the appellant's total income of \$17,603, as confirmed on her 2015 notice of assessment, was \$59 over the maximum income threshold, she was not eligible for the bus pass supplement. The ministry notes that the appellant is not a recipient of any income assistance.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry decision of February 16, 2017 in which the ministry determined the appellant was ineligible for the bus pass supplement as her yearly income exceeded the requirements for the federal guaranteed income supplement pursuant to Section 66 of the Employment and Assistance Regulations (EAR).

The relevant legislation is as follows:

EAR:

Bus pass supplement

66 (1) The minister may provide a supplement to or for a family unit, other than the family unit of a recipient of disability assistance, that contributes \$45 to the cost, to provide an annual pass for the personal use of a person in the family unit who

(a) receives the federal spouse's allowance or federal guaranteed income supplement,

(b) is 60 or more years of age and receives income assistance under section 2 [*monthly support allowance*], 4 [*monthly shelter allowance*], 6 [*people receiving room and board*] or 9 [*people in emergency shelters and transition houses*] of Schedule A, or

(c) is 65 years of age or more and meets all of the eligibility requirements for the federal guaranteed income supplement except the 10 year residency requirement.

The Appellant's position is that because her total income exceeded the allowable amount by only \$59, consideration should be given to the fact that \$3,250 of that income was because she cared for her disabled grandchild.

The Ministry's position is that a person over 65 years of age with less than 10 years residency must meet the legislated requirement, which, in the appellant's situation, is that the total yearly income must be less than the rate of the guaranteed income supplement. The ministry notes that the appellant's income is \$17,603, which is \$59 higher than the current threshold of \$17,544 so therefore she does not meet the legislated criteria.

Panel Decision

Section 66(1)(c) of the EAR states that the ministry may provide a bus pass to a person who is 65 years of age or more and who meets all of the eligibility requirements for the federal guaranteed income supplement except the 10 year residency requirement. In the appellant's situation she is over 65 years of age and she has been in Canada for 7 years. Although the appellant noted that part of her total income during tax year 2015 was income she received for caring for her grandchild, the evidence from the notice of assessment confirms that her total income was \$17,603. The appellant's total income is higher than the maximum amount of \$17,544, the maximum amount permitted in order to be eligible for the guaranteed income supplement and the ministry reasonably determined that she was not eligible for the bus pass supplement.

Therefore, pursuant to section 66(1)(c) of the EAR, the panel finds the ministry decision that the appellant was not eligible for a bus pass supplement is reasonably supported by the evidence and confirms the decision.