

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 denied income assistance (“IA”) to the appellant because she owned assets with an equity value that exceeded the asset limit of \$2,000 pursuant to Section 11(2)(a) of the Employment and Assistance Regulation (EAR) and a motor vehicle with an equity value that exceeded the maximum allowable exemption of \$10,000 for a motor vehicle pursuant to EAR Section 11(1)(b)(i).

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) Sections 1(1), 11(2)(a), 11(1)(b)(i)

PART E – Summary of Facts

The information before the ministry at the time of reconsideration included:

- appellant's application for IA dated February 6, 2017 in which the appellant disclosed ownership of a motor vehicle valued at \$17,000 and a travel trailer valued at \$5,000;
- ministry printout of VMR used car valuation, setting a wholesale value range for a motor vehicle of the same age, make and model as the appellant's motor vehicle as between \$12,750 – 18,425;
- ministry third party check dated January 31, 2017 confirming that the appellant's employment insurance claim had ended within 60 days prior to the search;
- appellant's request for reconsideration received by the ministry on February 14, 2017, in which the appellant noted that she had no income, was couch surfing, relying on food banks and looking for work. The appellant also stated that she needed her vehicle to look for work and could live in her car.

Information Submitted after Reconsideration

In her undated Notice of Appeal received by the Employment and Assistance Appeal Tribunal on February 22, 2017 the appellant noted that she:

1. has no money and cannot buy food, necessities or car insurance;
2. has no medical coverage;
3. owes money to the bank;
4. has received an eviction notice for non-payment of rent.

The appeal record also contains:

5. February 21, 2017 eviction notice to the appellant from her landlord;
6. a note, presumably written by the appellant, at the top a letter from the Employment and Assistance Appeal Tribunal to the appellant dated February 24, 2017, which reads: "*Update March 3/2017. Vehicle is put up for sale, asking \$10,500. No buyers yet*".

The panel admitted items 1 - 5 under EAA Section 22 (4) as evidence in support of the information before the ministry at reconsideration because the items provide additional details of the appellant's straitened financial circumstances described by her in the request for reconsideration. The panel also admitted item 6 because it relates to the ministry's valuation of the appellant's motor vehicle.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision of February 16, 2017 which denied IA to the appellant because she owned assets with an equity value that exceeded the asset limit of \$2,000 allowed pursuant to Section 11(2) (a) of the Employment and Assistance Regulation (EAR) and a motor vehicle with an equity value which exceeded the maximum allowable exemption of \$10,000 for a motor vehicle pursuant to EAR Section 11(1) (b) (i).

The relevant legislation is as follows:

EAR:

Definitions

1 (1) In this regulation:

"asset" means

(a) equity in any real or personal property that can be converted to cash,

Asset limits

11 (1) The following assets are exempt for the purposes of subsections (2) and (2.1):

(b) subject to subsection (2.3), one motor vehicle generally used for day to day transportation needs if

(l) the equity in the motor vehicle does not exceed \$10 000,

(2) A family unit is not eligible for income assistance if any of the following apply:

(a) subject to paragraph (c), a sole applicant or sole recipient has no dependent children and has assets with a total value of more than \$2 000;

The appellant argues that she requires her vehicle in order to look for work, and could live in it until she finds accommodation. She adds that she has no money for food, shelter, insurance or other necessities, and as of March 3, 2017 has offered her vehicle for sale for \$10,500 but has had no offers.

The ministry's position is that the appellant is not eligible for IA because her assets exceed \$2,000 and the value of her motor vehicle exceeds the \$10,000 maximum allowable pursuant to EAR Section 11 (1) (b) (i) for a vehicle used for day to day transportation. The ministry also argues that the appellant is not eligible for an increased asset limit of \$100,000 plus one vehicle generally used for day to day transportation because she has not indicated an intention to apply for Persons with Disabilities ("PWD") designation.

Panel Decision

1. Asset Limits

EAR Section 11(2) (a) states that a sole applicant is not eligible for IA if her/his assets exceed \$2,000. A number of assets are exempt from this asset limit. The exemption applicable to the appellant's circumstances is set out in EAR Section 11(1) (b) (i), namely the ownership of a vehicle generally used for transportation needs, so long as the equity in the vehicle does not exceed \$10,000.

In her IA application the appellant estimated the value of her vehicle as \$17,000. The ministry obtained a professional used car valuation that ranged from a lowest wholesale value of \$12,750 to a highest wholesale value of \$18,425. The ministry valued the vehicle at the lowest value of \$12,750, which exceeds the \$10,000 maximum vehicle exemption. Although the appellant states that she has offered the vehicle for sale at \$10,500, she has not provided a professional appraisal to rebut the valuation obtained by the ministry.

The appellant also estimated the value of her travel trailer at \$5,000. Neither the ministry nor the appellant has challenged the estimated value of the travel trailer.

The total estimated value of the vehicle and the trailer is \$17,500, which exceeds the allowable asset limit value of \$12,000 (\$2,000 sole applicant asset limit + \$10,000 vehicle asset limit = \$12,000).

The panel therefore finds that the ministry reasonably determined that the appellant is ineligible for IA because the value of her assets exceeds the allowable limits set out in the legislation.

2. PWD Exemption

EAR Section 11 (2.1) states that a person with assets not exceeding \$100,000 plus a motor vehicle generally used for daily transportation can be eligible for IA if the applicant has applied for PWD designation or has satisfied the minister of a genuine intention to apply for PWD designation. In her IA application the appellant responded “No” to the question: “Are you considering applying for a Person with Disabilities Designation?”

The panel therefore finds that the ministry reasonably determined that the appellant was not eligible for increased asset limits under EAR Section 11 (2.1) because she did not indicate an intention to apply for PWD designation.

Conclusion

In conclusion the panel finds that the ministry’s decision to deny IA to the appellant because the value of her assets exceeds the legislated asset limit for a sole applicant is reasonably supported by the evidence, and confirms the decision. The appellant is not successful in her appeal.