

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (Ministry)'s reconsideration decision dated March 7, 2017, finding the Appellant is not eligible to receive income assistance because he has assets in excess of the amount set out in section 11(2) of the *Employment and Income Assistance Regulation* (EAR).

PART D – Relevant Legislation

The relevant legislation is section 2 of the *Employment and Assistance Act* (EAA) and sections 1 and 11 of the EAR.

PART E – Summary of Facts

The appellant has been in receipt of income assistance as a sole recipient since September 2015.

A file review by a ministry Investigative Officer (IO) in early 2017 found that the appellant owned five vehicles with the following estimated values based on an online service that is commonly used by the ministry in these situations:

1972 boat and trailer - \$800

2005 utility trailer - \$400

1994 cutaway van - \$800

1996 sedan - \$2200

1999 SUV - \$2500

As the value of these assets (less one car, which is exempt under the legislation) exceeded the asset limit for a single recipient of \$2000, the ministry informed the appellant on February 7, 2017 that he was ineligible for income assistance.

The appellant requested a reconsideration of this decision based on his assertion that the vehicles are all “salvage value” and so worth far less than the IO had estimated. He indicated that he had been offered \$1000 for both the cutaway van and SUV and \$1300 for the sedan.

In his Notice of Appeal the appellant states:

When I appeared for reconsideration I stated the [sedan] offer was \$300 not \$1300. I also looked at the value on [illegible] and only found one comparable. The [SUV] is not drivable also the [cutaway van] is not drivable. Enclosed is offers from Pick & Pull for all vehicles. The [sedan] has 280,000 kms. Also half of these assets are before the court for joint ownership.

The appellant also submitted copies of a number of quotes he solicited from Pick & Pull over the internet. These purport to show an offer of \$207 for the cutaway van, \$255 for the SUV and \$116 for the sedan.

The appellant did not attend the hearing. The panel having satisfied itself that the Notice of Hearing was delivered to the appellant determined to proceed with the hearing in the absence of the appellant in accordance with section 86(b) of the EAR.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry's reconsideration decision dated March 7, 2017, finding the Appellant is not eligible to receive income assistance because he has assets in excess of the amount set out in section 11(2) of the *Employment and Income Assistance Regulation* (EAR).

The relevant legislation is section 2 of the EAA and sections 1 and 11 of the EAR:

Eligibility of family unit

2 For the purposes of this Act, a family unit is eligible, in relation to income assistance, hardship assistance or a supplement, if

(a) each person in the family unit on whose account the income assistance, hardship assistance or supplement is provided satisfies the initial and continuing conditions of eligibility established under this Act, and

(b) the family unit has not been declared ineligible for the income assistance, hardship assistance or supplement under this Act.

Definitions

1 (1) In this regulation:

...

"asset" means

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

(b) a beneficial interest in real or personal property held in trust, or

(c) cash assets;

Asset limits

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

(a) clothing and necessary household equipment;

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

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

(ii) the motor vehicle has been significantly adapted to accommodate the disability of a recipient in the family unit,

(iii) the motor vehicle is used to transport a disabled dependent child, or

(iv) the motor vehicle is used to transport a disabled supported child, if the child

is in the care of the applicant or recipient;

...

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;
- (b) subject to paragraph (c), an applicant or a recipient has one or more dependants and the family unit has assets with a total value of more than \$4 000;
- (c) one applicant or recipient in the family unit receives accommodation and care in a private hospital or a special care facility, other than an alcohol or drug treatment centre, or is admitted to a hospital for extended care, and the family unit has assets with a total value of more than \$100 000;
- (d) 2 applicants or recipients in the family unit receive accommodation and care in a private hospital or a special care facility, other than an alcohol or drug treatment centre, or are admitted to a hospital for extended care, and the family unit has assets with a total value of more than \$200 000.

The ministry submitted that its IO garnered the more appropriate values through the online service that is a reputable source commonly used by the ministry in these situations. It also argued that there is no proof that any of the vehicles are “salvage value” only, or that the appellant sought out a reasonable price for any of the vehicles.

The appellant argues that the quotes provided by Pick and Pull are more appropriate as they reflect more closely the true value of the vehicles.

The panel finds that the appellant has not provided any evidence that would impugn or bring into doubt the accuracy of the quotes garnered by the IO. There was no evidence before the panel that the vehicles in question are “salvage only”. No doubt they would be worth less if they are not in operating order, but generic quotes from the internet are not enough to establish that they are not “drivable”. A quote from a qualified person who has inspected the vehicles and both found them to be “salvage only” and worth the lower amounts proposed by the appellant may have been persuasive. But that is not the evidence before the panel.

The panel finds that the appellant’s vehicles have the values attributed to them by the IO. The value of these assets (less one car, which is exempt under the legislation) therefore exceeded the asset limit for a single recipient of \$2000 as set out in section 11(2) of the EAR.

Accordingly, the Panel finds that the ministry’s decision that the appellant is not eligible to receive income assistance because he has assets in excess of the legislated amount was reasonably supported by the evidence and confirms the ministry’s decision.