

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of April 4, 2017, that denied the appellant income assistance for the months of December 2016, January 2017, and February 2017 as the appellant had failed to provide requested information. Section 10(4) of the Employment and Assistance for Persons With Disabilities Act (EAPWDA) states that the minister may declare the family unit ineligible for assistance for the prescribed period if the requested information is not provided. Under Section 28 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR), the prescribed period of ineligibility lasts until the requested information is received.

## PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Act Section 10

Employment and Assistance for Persons With Disabilities Regulation Section 28

## PART E – Summary of Facts

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

- Shelter Information Form
- Monthly rent receipts dated from July 2015 – March 1, 2017
- Request for Reconsideration dated March 24, 2017

The appellant is in receipt of disability assistance as a sole recipient.

December 12, 2016

- Ministry requested the appellant provide verification of residence and shelter costs from August 2015- November 2016.
- Support allowance only was issued for December.
- The appellant was advised further shelter allowance could not be issued until the appellant provided confirmation of shelter costs and that his January 2017 assistance cheque would be directed to the local office pending receipt of this information in order that eligibility could be assessed.
- The appellant did not pick up the January cheque, the cheque was cancelled and cheque production was discontinued pending receipt of the requested information and eligibility for assistance was assessed.

December 12, 2016-March 13, 2017

- No contact was made by the appellant and the appellant's file was closed February 17, 2017.

March 13, 2017

- The appellant submitted confirmation of shelter costs from August 2015 to March 2017.
- A meeting to review eligibility was scheduled for the following day.

March 14, 2017

- The appellant's landlord confirmed the appellant had prepared the receipts but he, the landlord, had signed them.
- The landlord confirmed the monthly rent was \$350, not \$375 as noted on the receipts.
- Eligibility for assistance was assessed and established.
- March shelter allowance and pro-rated assistance was issued.
- The appellant requested shelter allowance for December 2016, and January 2017 and February 2017 assistance. The request was denied.

March 24, 2017

- The appellant completed Request for Reconsideration forms

In the appellant's Request for Reconsideration he stated that:

- As he is a Person with Disabilities, he is unable to respond to requests in a timely fashion.
- He was not feeling well.
- He has a negative experience whenever he sees the ministry.

Before the hearing the appellant stated that he did not believe the panel was a legitimate group. After a detailed explanation of the appeal process and the role of the appeal panel when asked if he wished to proceed and explain his case, the appellant stated no that he would not and that he intended to take this up with someone in Victoria directly. At this time, the panel terminated the hearing.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision dated April 4, 2017 which found that the appellant was not eligible for December 2016, January 2017 and February 2017 assistance as he had not provided the requested information as per Section 10(4) of the EAPWDA.

The relevant legislation is Section 10 of the EAPWDA and Section 28 of the EAPWDR.

### **EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES ACT**

#### **Information and verification**

**10** (1) For the purposes of

- (a) determining whether a person wanting to apply for disability assistance or hardship assistance is eligible to apply for it,
- (b) determining or auditing eligibility for disability assistance, hardship assistance or a supplement,
- (c) assessing employability and skills for the purposes of an employment plan, or
- (d) assessing compliance with the conditions of an employment plan,

the minister may do one or more of the following:

- (e) direct a person referred to in paragraph (a), an applicant or a recipient to supply the minister with information within the time and in the manner specified by the minister;
- (f) seek verification of any information supplied to the minister by a person referred to in paragraph (a), an applicant or a recipient;
- (g) direct a person referred to in paragraph (a), an applicant or a recipient to supply verification of any information he or she supplied to the minister.

(2) The minister may direct an applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for disability assistance, hardship assistance or a supplement.

(3) Subsection (1) (e) to (g) applies with respect to a dependent youth for a purpose referred to in subsection (1) (c) or (d).

(4) If an applicant or a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for disability assistance, hardship assistance or a supplement for the prescribed period.

(5) If a dependent youth fails to comply with a direction under this section, the minister may reduce the amount of disability assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

### **EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION**

#### **Division 3 — Factors Related to Providing Information and Verification**

##### **Consequences of failing to provide information or verification when directed**

**28** (1) For the purposes of section 10 (4) [*information and verification*] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction.

(2) For the purposes of section 10 (5) [*information and verification*] of the Act,

(a) the amount by which the minister may reduce the disability assistance or hardship assistance of the dependent youth's family unit is \$100 for each calendar month, and

(b) the period for which the minister may reduce the disability assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

#### **Appellant's Position**

The appellant believes that as a person with disabilities he should not have been expected to deliver the required information in a timely fashion. He also believes he is entitled to the missing shelter allowance for the months in question because he provided proof in the form of rent receipts in March. As well, he was ill and this also had an impact on submitting the requested information in a timely

manner.

### **Ministry's Position**

Under Section 10 of the EAPWDA the ministry has the right to request verification of information to determine eligibility for assistance. Section 10(4) of EAPWDA states that a family unit is not eligible for assistance if they fail to provide the requested information. As the appellant did not provide the information requested in December 2016 until March 2017, assistance was denied for December 2016, January and February 2017. As per Section 28 of the EAPWDR the prescribed period of ineligibility lasts until the requested information is received which was March 13, 2017.

### **Panel Decision**

The EAPWDA, section 10 gives the ministry the right to request information to verify an appellant's eligibility for assistance. The ministry requested verification of residence and shelter costs on December 12, 2016; the appellant did not provide this information until March 13, 2017. Section 28 of the EAPWDR states ineligibility lasts until the requested information is received.

The panel finds that the ministry's determination at reconsideration that the appellant was ineligible for assistance for the months of December 2016, January 2017 and February 2017 was a reasonable application of Section 10 of the EAPWDA and Section 28 of the EAPWDR in the circumstances of the appellant and was reasonably supported by the evidence.

### **Conclusion**

The panel finds that the Ministry's decision dated April 4, 2017 which found that the appellant was ineligible for assistance for the months of December 2016, January 2017 and February 2017 was a reasonable application of the legislation in the circumstances of the appellant. The panel confirms the Ministry decision; the appellant is not successful in his appeal.