

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the ministry) dated 5 May, 2017 that denied the Appellant a moving supplement under Section 55 of the *Employment and Assistance for Persons With Disabilities Regulation* because the ministry determined that the Appellant did not meet any of the eligibility criteria set out in Section 55(2). Specifically, the ministry determined that the Appellant did not qualify for a moving supplement because she was not moving:

- Due to employment;
- To avoid imminent danger to her physical safety;
- Because her previous residence was being sold, demolished or condemned; or
- Because her rent costs would be significantly reduced.

PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) - Section 55

PART E – Summary of Facts

The Appellant receives disability assistance as a sole recipient.

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

1. An undated handwritten letter bearing a facsimile transmission date stamp of April 5, 2017 and signed by the Appellant:
 - Asking for reimbursement for the cost of a move and indicating that the movers “did not give (her) a receipt because it was done by friends”
 - Stating that she has moved several times recently but hopes that “this will be the last time”
 - Stating that her previous roommate had “dumped all of (her) food out and broke some of (her) possessions”
2. An undated note from a friend of the Appellant (the Appellant’s friend) stating that the Appellant’s friend lent \$200 to the Appellant on March 31, 2017 to cover the cost of the move to the Appellant’s new place of residence
3. A handwritten letter to the Ministry dated May 1, 2017 and signed by the Appellant stating that:
 - She was asking the Ministry to reconsider it’s decision not to provide a supplement for her moving costs because “it has created a great deal of hardship” for her
 - She was not able to request moving costs before the move because she was under a great deal of stress
 - She can barely make it through the month because all or most of her friends are receiving disability benefits and she helps them by providing them with food, etc.
 - She was at risk of becoming homeless due to difficulties in finding accommodation
 - Her previous roommate had falsely accused the Appellant of stealing from her and the police had been called “more often than not”, which caused additional stress on the Appellant
 - She had to eat meals away from her home because she didn’t want to be there
 - She will be unable to repay a loan advanced by a friend if the Ministry does not provide a moving supplement.
4. A Ministry Shelter Information form in the name of the Appellant dated February 16, 2017 indicating that the Appellant’s portion of the rent for shared accommodation at her previous place of residence was \$500
5. A Ministry Shelter Information form in the name of the Appellant dated March 21, 2017 indicating that the Appellant’s rent for accommodation at her new place of residence in an adjacent community to the Appellant’s previous place of residence is \$700, and
6. The Appellant’s Request for Reconsideration dated May 1, 2017 stating in part that she did not have time to notify the Ministry because she had to vacate her previous residence “as soon (she) could as (she) feared for (her) sanity and (her) life”

Admissibility of New Information

In her Notice of Appeal dated May 10, 2017, the Appellant wrote that the police had been called to her previous residence as she felt that her life and safety were in danger and that the cost of the move had resulted in financial hardship.

The panel determined the additional information in the Notice of Appeal was admissible under Section 22(4)(b) of the *Employment and Assistance Act* (EAA) because it was in support of the information before the Minister at reconsideration.

At the hearing, the Appellant stated that she had not received the appeal package. The Appellant did have copies of the Reconsideration Decision, the Request for Reconsideration, her submissions to the Ministry and a few other related documents. After confirming that the appeal package was

delivered to the Appellant's current address by Canada Post on May 19, 2017, the panel asked the Appellant if she wished to proceed with the hearing and explained that she had the option of asking for an adjournment if she wanted to have the hearing reschedule on a new date within 15 business days and after she had received a new appeal package from the Tribunal, pursuant to procedures set by the Tribunal Chair under Section 20(2)(a) of the EAA. The Appellant stated that she wished to proceed with the hearing without an adjournment.

At the hearing, the Appellant stated that the Ministry's refusal to provide a moving supplement had created financial hardship. She said that she has no family to support her and had to borrow money for the move from a friend and that she has to pay the money back. She stated that she has been forced to move every month for the past 6 months because she has had problems with her previous roommates. She said that her most recent roommate "was a nightmare" and that every day her roommate accused the Appellant of stealing something. She said that her roommate would throw things at her, threaten her with violence and push her or shove her around, and that she felt she was in imminent danger. She stated that while her roommate had pushed her, her roommate had not caused her any serious injury. However, the Appellant had been subject to physical abuse in the past and the fear of violence made her feel anxious. As a result she had been taking medication.

The Appellant said that she had called the police three times to report her roommate's violent outbursts, and that her roommate had called the police on one other occasion to complain about the Appellant stealing her possessions. She stated that the police had not provided her with police reports, but had given her incident file numbers for each call and asked the Appellant and her roommate to try to get along.

In addition, the landlord at her previous residence had asked her to move out because the rental agreement was with between the landlord and the Appellant's roommate and the Appellant was not on the lease. The Appellant stated that she has great difficulty covering the cost of rent if she isn't in shared accommodation, but has now found a place which is more expensive than her previous accommodation but which she rents on her own, and that she hopes to be able to stay there.

The Ministry relied on its reconsideration decision and stated that the legislation provided very specific criteria which had to be met before a moving supplement could be provided. One of the criteria was that the shelter costs at the new location were significantly less, but in this case they were \$200 per month higher. Another criterion is an imminent threat to the family unit's physical safety, but in this case the Ministry stated that there was no evidence provided to indicate that there was an imminent threat to the Appellant's physical safety or that a police report had been filed. The ministry relies on a police report indicating that a move is required to protect an individual's physical safety and that it cannot provide a moving supplement due to allegations of physical danger without such a police report.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision which denied the Appellant's request for a supplement for moving costs because the Appellant did not meet the requirement of Section 55(2) of the EAPWDR was a reasonable application of the applicable legislation in the circumstances of the appellant, or was reasonably supported by the evidence.

Under Section 55 of the EAPWDR, to receive a moving supplement the applicant must be eligible for income assistance, other than as a transient under Section 10 of Schedule A of the EAPWDR, or eligible for hardship assistance. If one of those conditions are met, Section 55 of the EAPWDR specifies additional criteria that the person's family unit must meet in order to qualify for a moving supplement.

Legislation

The following section of the EAPWDR applies to this appeal:

Supplements for moving, transportation and living costs

55 (1) In this section:

... "**moving cost**" means the cost of moving a family unit and its personal effects from one place to another ...

(2) Subject to subsections (3) and (4), the minister may provide a supplement to or for a family unit that is eligible for disability assistance 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 a 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 ...

* * * *

Panel Findings

The ministry's position is that the Appellant is not eligible for a moving supplement because she did not meet any of the criteria in Section 55(2) of the EAPWDR. Specifically, the Ministry contends that the Appellant is not moving because she has confirmed employment which would significantly improve her financial independence, she is not moving to avoid an imminent threat to her physical safety, she is not moving because her residence is being sold, demolished or condemned, and she is

not moving to a residence where her shelter costs would be significantly reduced.

The Appellant's position is that she is moving to avoid an imminent threat to her physical safety and that she has to have her moving costs covered by a moving supplement so that she can repay a loan made by a friend to cover those costs.

Section 55(2) of the EAPWDR states that the minister may provide a supplement to or for a family unit that is eligible for disability assistance with 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. The panel finds that this condition does not apply in this case.
- To another province or country, if the family unit is required to move to improve its living circumstances. As the Appellant is not moving to another province or country, the panel finds that this criterion is not satisfied.
- 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 a notice to vacate has been given, or has been condemned. While the Appellant has moving to an adjacent community, the panel finds that this criterion is not satisfied in this instance because the Appellant's previous accommodation was not being sold, demolished or condemned.
- 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. As the Appellant's shelter costs have increase form \$500 per month to \$700 per month, the panel finds that the Ministry reasonable determined that this criterion has not been met.
- To another area in British Columbia to avoid an imminent threat to the physical safety of any person in the family unit. While the Appellant is moving to another area in British Columbia, the panel finds that, based on the absence of a police report citing imminent danger, the Ministry reasonably determined that there was no evidence of an imminent threat to the Appellant.

Conclusion

The panel finds that the Ministry's determination that the Appellant was ineligible for a moving supplement under Section 55(2) of the EAPWDR because she did not meet any of the eligibility criteria was reasonably supported by the evidence and is a reasonable application of the legislation.

The panel therefore confirms the Ministry's decision. The Appellant is not successful on her appeal.