

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated April 25, 2017 which found that the appellant was not eligible for a supplement to pay for storage fees. As there is no specific authority to issue a supplement to pay for storage fees but under certain circumstances storage fees may be considered as part of a moving expense. In this instance, the ministry found the appellant had not obtained permanent living arrangements, had not been approved for a moving supplement and the need for storage was not temporary therefore, the request for storage fees cannot be considered as part of moving expenses.

As well, the appellant did not meet two of the three criteria for a crisis supplement to address unexpected emergency needs found in Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry was not satisfied the evidence established that:

- Failure to obtain the item will result in imminent danger to health or the removal of a child under the Child, Family and Community Service Act and,
- There are no alternative resources available to meet the expense.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), Section 55 and 57

PART E – Summary of Facts

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

Assistance funding for the appellant was noted as follows:

- February 2017- \$1319.08 - (\$697.08 support, \$570 shelter plus \$52 Transportation supplement)
- March 2017- \$814.08 (\$697.08 support, \$65 drug/alcohol supplement plus \$52 transportation supplement) Appellant did not have shelter costs.
- April 2017- \$222.00, (\$170.00 comforts allowance plus \$ 52.00 transportation supplement)
- May 2017- \$658.42, (\$606.42 support plus \$52.00 transportation). Appellant did not have shelter costs.

On February 15, 2017 confirmation was received by the ministry the appellant had attended a detox center from January 24- February 7.

On March 2, 2017 confirmation was received by the ministry the appellant had been residing at a recovery house from February 23rd while her son lived with the father.

On April 7, 2017 the appellant requested the ministry to pay for storage fees. The request was denied. The appellant requested a reconsideration of the decision.

April 25, 2017. The appellant's reconsideration request was denied.

The evidence before the ministry at the time of the reconsideration decision included:

- Request for reconsideration dated April 19, 2017
- Storage Invoice dated April 1, 2017 in the amount of \$173.25
- Letter from the appellant dated April 6, 2017 stating;
 - She has tried to come up with ways to pay for the storage;
 - Without ministry help she will lose everything;
 - It will be very hard to replace all the lost items and,
 - Right now she is focusing on sobriety.

In the appellant's Appeal she stated that:

- She is trying to live healthy;
- While in treatment she only received comfort funds which was not enough to cover storage expenses, and
- She was fleeing an abusive relationship therefore needed a storage unit.

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

- She is trying to flee a very abusive relationship;
- She is planning on going into hiding therefore cannot take all her belongings;
- Without storage she will lose everything and not be able to afford to replace the lost items and,
- She is focusing on finishing her treatment.

The appellant was not in attendance at the hearing. After confirming that the appellant was notified of the hearing, the hearing proceeded in accordance with section 86(b) of the Employment and Assistance Regulation.

During the hearing the ministry stated:

- They considered the appellant's request to cover storage fees under two sections of the act, a moving expense and/or a crisis supplement.
- In consideration for a moving expense the ministry denied the appellant as she:
 - Had no fixed address since December 2016;
 - Did not communicate before items were placed into storage;
 - Had not gained prior approval;
 - Had moved into a treatment center and was not transiting to another place of residence.
- As well, when considering a moving expense request, the ministry considered funding in terms of client support when in treatment. In these cases, the ministry will help support the client to maintain a residence while they are in a treatment center. Although the appellant was in a treatment center, the ministry did not issue funding support for storage as the appellant;
 - Did not have a permanent address;
 - Storage is not considered maintaining a residence.
- In consideration of a crisis supplement the ministry denied the appellant as she only met one of the required three criteria, "to flee from an abusive relationship could not have been anticipated and therefore the need to store belongings is an unexpected expense. (Verbal correction by the ministry at time of the hearing as the Reconsideration document dated April 25, 2017, mistakenly wrote" This eligibility requirement has not met."

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's reconsideration decision, which found that the appellant is not eligible for a moving or crisis supplement to cover the costs of storage fees, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

The ministry found that the evidence does not establish that the appellant qualified for a moving supplement as per Section 55 of the EAPWDR as she had not obtained a permanent living arrangement, she had not been approved for a moving supplement and the need for storage was not temporary.

The ministry also found the appellant was not eligible for a crisis supplement under Section 57(1) of the EAPWDR as she did not meet two of the required three criteria; Failure to obtain the item will result in imminent danger to health or the removal of a child under the Child, Family and Community Service Act and, there are no alternative resources available to meet the expense.

The relevant legislation is Section 55 and 57 of the EAPWDR.

Supplements for moving, transportation and living costs

55 (1) In this section:

"**living cost**" means the cost of accommodation and meals;

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

"**transportation cost**" means the cost of travelling 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;

(f) transportation costs and living costs required to attend a hearing relating to a child protection proceeding under the *Child, Family and Community Service Act*, if a recipient is given notice of the hearing and is a party to the proceeding;

(g) transportation costs, living costs, child care costs and fees resulting from

(i) the required attendance of a recipient in the family unit at a hearing, or

(ii) other requirements a recipient in the family unit must fulfil in connection with the exercise of a maintenance right assigned to the minister under section 17 [*assignment of maintenance rights*].

(3) A family unit is eligible for a supplement under this section only if

(a) there are no resources available to the family unit to cover the costs for which the supplement may be provided, and (b) a recipient in the family unit receives the minister's approval before incurring those costs.

Crisis supplement

57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if

- (a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and
- (b) the minister considers that failure to meet the expense or obtain the item will result in
 - (i) imminent danger to the physical health of any person in the family unit, or
 - (ii) removal of a child under the *Child, Family and Community Service Act*.

Appellant's Position

The appellant believes that while she is in the process of addressing her substance abuse she requires more funding to store her and her son's belongings as she plans to leave the abusive relationship she is currently in.

Ministry's Position

As the ministry does not have specific authority to issue a supplement to pay for storage fees they considered a moving supplement under Section 55 as a possible way to address the appellant's request. As the appellant had not obtained a permanent living arrangement, she had not been approved for a moving supplement and the need for storage was not temporary, the ministry found the appellant not eligible for a moving supplement.

The ministry also considered offering assistance through a Crisis Supplement as per Section 57 of the EAPWDR. To be eligible for a crisis supplement under Section 57(1) of the EAPWDR the appellant must meet all three criteria listed. Under section 57(1), Crisis Supplement, the ministry was satisfied evidence supported the first criteria. Specifically;

- The need for the item or expense is unexpected
 - The ministry feels fleeing from an abusive relationship is unexpected therefore the need to store belongings is an unexpected expense.

Under section 57(1), Crisis Supplement, the ministry was not satisfied evidence supported the other two criteria. Specifically;

- Failure to obtain the item will result in imminent danger to health or the removal of a child under the Child, Family and Community Service Act.
 - The ministry believes there is insufficient evidence to support a probability of immediacy that failure to obtain funds to pay for storage will place the appellant in imminent/immediate danger or result in the removal of a child.
- There are no alternative resources available to obtain the item or meet the expense.
 - The ministry believes the appellant's support allowance is intended to pay for daily living costs including storage and there is a lack of evidence regarding resources available in the appellant's allowance to budget on a gradual basis for storage fees, the ministry considers the support allowance an alternative resource.

Panel Decision

Section 55 of the EAPWDR - Moving Expenses

The panel finds that there was insufficient evidence before the reconsideration officer to indicate the appellant qualified for a moving supplement as per Section 55(3)(a)(b) of the EAPWDR which states, "A family unit is eligible for a supplement under this section only if (a) there are no resources available to the family unit to cover the costs for which the supplement may be provided, and (b) a recipient in the family unit receives the minister's approval before incurring those costs.

In terms of Section 55(3)(a), "no resources", the evidence shared illustrated the appellant was given resources through support, comfort and transportation assistance while in the detox center.

In terms of Section 55(3)(b), "the minister's approval before incurring those costs" there was insufficient evidence before the reconsideration officer to indicate the appellant had prior approval for a moving supplement as is required in Section 55(3)(b) of the EAPWDR.

The panel finds therefore that the Ministry's determination at reconsideration that the appellant was not eligible for a moving supplement as per Section 55 of the EAPWDR was a reasonable application of the legislation and was reasonably supported by the evidence.

Section 57(1) Crisis Supplement

To be eligible for a crisis supplement under Section 57(1) of the EAPWDR the appellant must meet all three criteria listed. Although the appellant met the first criteria, "unexpected need" to pay for storage of her belongings as it was part of a plan to leave her abusive situation, the panel finds that there was insufficient evidence before the reconsideration officer to indicate the appellant was in imminent/immediate danger or would result in removal of a child if storage fees were not paid, and that the appellant had not shown a need for alternative resources as an allowance had already been allocated.

The panel finds therefore that the Ministry's determination at reconsideration that the appellant had not met all three criteria of Section 57(1) EAPWDR was a reasonable application of the legislation in the circumstances of the appellant and was reasonably supported by the evidence.

CONCLUSION

The panel finds that the Ministry's decision in denying the appellant a moving expense or a crisis supplement for the cost of storage fees was a reasonable application of the evidence in the circumstances of the appellant and was reasonably supported by the evidence.

The panel confirms the Ministry decision and the appellant is not successful in her appeal.