

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the "ministry") Reconsideration Decision of June 14th, 2017, which denied the appellant Income Assistance (IA) because he failed to provide information and documentation as directed by the ministry to determine his eligibility for IA pursuant to section 10 of the Employment and Assistance Act (EAA) and that he continues to be ineligible, pursuant to section 32(1) of the Employment and Assistance Regulation (EAR), as he has not complied with the direction. In particular, the appellant failed to provide rent receipts for the months; April, May and June 2016 as well as provide income records from January 1, 2014 to June 1st, 2017, Income Tax Notice of Assessments from 2014 to present along with corresponding tax slips, bank account profiles, statements and investments.

PART D – Relevant Legislation

EAA *Employment and Assistance Act, Section 10*
EAR *Employment and Assistance Regulation 32(1)*

PART E – Summary of Facts

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

- 1) A time line of when information letters were sent to the appellant:
 - *March 23, 2017: First request letter provided with a due date of April 5th, 2017.
 - *April 27th 2017: Second request letter provided with a due date of May 10th, 2017.
 - *May 26th, 2017: Section 10 letter provided - advising appellant that his file will be closed June 16th, 2017 if he did not provide all of the information requested.
- 2) Appellant submission May 31st, 2017;
 - *A cheque cashing history statement from September 21st, 2016 to April 27th, 2017.
- 3) A ministry requested record of employment for the appellant from Human Resources and Skills Development Canada – dated May 12th, 2017; indicating that the appellant had no record of employment for all of 2014 and 2015, as per the dates requested.
- 4) A ministry prepared list of documents not received as of the date of reconsideration – June 14th, 2017;
 - *Rent receipts for the months; April, May and June 2016.
 - *Income records from January 1, 2014 to June 1st, 2017.
 - *Income Tax Notice of Assessments from 2014 to June 1st, 2017 along with corresponding tax slips, bank account profiles, statements and investments.

Additional Information

The appellant did not attend the hearing. Importantly, the appellant did not have a forwarding address or contact information on file, and as such, the notice of hearing had been delivered to the appellant's local ministry office. The panel waited for ten minutes past the start of the hearing time, and after having determined that the appellant was considered to be notified of the hearing on July 4th 2017 via his local ministry office, the panel proceeded in the absence of the appellant, pursuant to section 86 of the *Employment and Assistance Regulation*.

The ministry relied on the Reconsideration Decision and did not introduce any additional evidence at the hearing.

The ministry confirmed that the Decision Under Reconsideration, should have stated, a reconsideration of the minister's decision to deny income benefits, not disability benefits as stated on the Reconsideration Decision.

In addition, the paragraph included in the Reconsideration Decision, "As all of the requested information has been submitted, the minister find you should not be denied assistance for failure to provide information..." was included in error.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry of Social Development and Social Innovation's (the "ministry's") Reconsideration Decision of June 14th, 2017, which denied the appellant Income Assistance (IA) because he failed to provide information and documentation as directed by the ministry to determine his eligibility for IA pursuant to section 10 of the Employment and Assistance Act (EAA) and that he continues to be ineligible, pursuant to section 32(1) of the Employment and Assistance Regulation (EAR), as he has not complied with the direction. In particular, the appellant failed to provide rent receipts for the months; April, May and June 2016 as well as provide income records from January 1, 2014 to June 1st, 2017, Income Tax Notice of Assessments from 2014 to present along with corresponding tax slips, bank account profiles, statements and investments.

The relevant sections of the legislation are as follows:

Information and verification

10 (1) For the purposes of

- (a) determining whether a person wanting to apply for income assistance or hardship assistance is eligible to apply for it,
- (b) determining or auditing eligibility for income 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 income 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 income 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 income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

Consequences of failing to provide information or verification when directed

32 (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.

Panel Decision

The ministry's position, as set out in the Reconsideration Decision, is that the appellant is not eligible for income assistance due to failing to provide information as directed, pursuant to section 10 of the Employment and Assistance Act. In his Notice of Appeal dated June 21st, 2017 the appellant stated that he disagreed with the decision because he has provided all information that he had access to.

The ministry notes that the appellant, on March 23rd, 2017 had attended the ministry office and was notified of the information that had been requested. At that time, the appellant was provided his first request for information letter and was provided a due date of April 5th, 2017 for the information to be submitted by.

The ministry further provides that on April 27th, 2017, the appellant attended the ministry office and was informed again of the requirement to provide the requested information, and was issued a second information request letter with a due date of May 10th, 2017. On May 10th, 2017 the ministry notes that the appellant did attend the ministry office and had mentioned that he had not yet gathered all of the documents, but that he would as soon as he could. Following this, the ministry notes that on May 26th, 2017 the appellant attended the ministry office and still had not submitted the requested information. On this visit, the appellant had received a final section 10 denial letter, indicating that he was declared ineligible for IA as a result of not providing the requested information by the due date assigned. The ministry records indicate that the appellant contacted the investigative officer one day later, on May 27th, 2017 and it was explained again at that time why the information was required, and what precisely needed to be submitted in order to establish continued IA for the appellant. Lastly, the ministry records indicate that the appellant attended the ministry office on May 31st, 2017 and had submitted a record of cashing history from September 21st, 2016 to April 27th, 2017. The appellant's position, as is provided on his notice of appeal – dated June 21st 2017 is that a lot of the information that the ministry has requested, he tried but could not get.

Section 10 of the Employment and Assistance Act states that the minister may direct a recipient to supply verification of any information he or she supplied or was received by the minister if that information relates to the eligibility of the family unit for income assistance and if the recipient fails to comply with the direction, the minister may declare the family unit ineligible for income assistance for the prescribed period. Section 32(1) of the Employment and Assistance Regulation states that the family unit is ineligible for assistance until the recipient complies with the direction to supply the information.

The panel finds that the evidence establishes that on March 23rd, April 27th, May 26th & May 27th, 2017 the ministry had detailed the requirement of the information to the appellant that had been requested, both written and orally. At each said date, the evidence establishes that the appellant was provided information regarding what was necessary to address the request for information, and that in each case, the appellant failed to utilize the opportunity to discuss any challenges he had with accessing the requested information, or to discuss possible solutions.

Accordingly, the evidence establishes that the appellant did fail to comply with the request to provide income records for the total period of January 1st 2014 – June 1st, 2017 as was requested by the ministry, as well as Tax Notice of Assessments from 2014 to the present time, and any or all corresponding tax slips. The evidence establishes that the appellant did provide part of the information request in the form of a record of cashing history from September 21st,

2016 to April 27th, 2017 – which indicated a continuous monthly government deposit record of \$215.00. Moreover, the panel finds that the evidence establishes that the appellant did not have any record of employment for the period of 2014 & 2015, as per the fulfilled request that had been made by the ministry to Human Resources and Skills Development Canada.

However, the panel finds that the ministry was not reasonable when it determined that the appellant failed to comply with the request to provide rent receipts for the period of April, May & June 2016 as the appellant's IA as a single person did not include a shelter portion. The appellant's IA assistance, evidenced by his deposit history, and as was supported by the ministry at the hearing, only included a support payment of \$215.00 per month (\$235.00 for a single person with no dependents minus a \$20.00 repayment subtraction each month). The panel finds that the request for rent receipts from the appellant is unreasonable, considering the appellant was not receiving a shelter portion for the period of time the rent receipts were being requested.

As such, the panel considers that while the appellant did in fact provide part of the request for information in the form of a record of cashing history, and too - that the request for rent receipts by the ministry was unreasonable, the panel finds overall that the appellant did not provide all of the information that had been requested by the ministry before the final due date assigned, nor did he demonstrate a reasonable willingness to take the opportunity to contact the investigative officer in due time, and or in order to explain any of his challenges with accessing the information, or to discuss possible alternate solutions.

Finally, the panel finds that the decision of the ministry to declare the appellant ineligible for income assistance for failing to comply with the direction of the minister to supply verification of information was reasonably supported by the evidence. Therefore, the panel confirms the ministry's decision pursuant to section 24(1)(a) and section 24(2)(a) of the Employment and Assistance Act. The appellant therefore is not successful in his appeal.