

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision of July 4, 2017 in which the ministry denied the appellant's request for a supplement for moving costs because it found that the appellant did not meet the requirements of Section 55(3) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR).

## PART D – Relevant Legislation

Employment and Assistance for Persons with Disability Regulation (EAPWDR), Section 55(2)(3)

## PART E – Summary of Facts

With the consent of both parties, the hearing was conducted as a written hearing pursuant to section 22(3)(b) of the *Employment and Assistance Act*.

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

- The appellant is a sole recipient of disability assistance.
- On April 26, 2017, the appellant contacted the ministry and requested that her shelter cheque be issued in her name instead of the landlord because she had received a 2 Month Notice to End Tenancy and was worried that the landlord would evict her sooner than the notice date.
- On June 7, 2017, the appellant requested reimbursement of moving costs, and submitted to the ministry:
  - a 2 Month Notice to End Tenancy for Landlord's Use of Property indicating a move-out date of June 1;
  - a gas receipt for \$19.25 dated May 29, 2017 showing payment by credit card. Written on the receipt is "Rental 106.36 plus Gas \$19.25 for a total of \$125.61; and
  - a statement dated May 30, 2017 showing payment by credit card for a vehicle rental from May 29 to May 30, 2017 in the amount of \$106.36. The credit card is in the name of a person who is not the appellant.

The ministry informed the appellant that she was not eligible for moving costs as she did not get pre-approval.

- The appellant visited the ministry office the following day to discuss the denial of her moving costs, and was informed that her request was denied because she did not submit quotes for the move in advance. The appellant told the ministry that she was not told she needed to provide quotes in advance.
- The appellant submitted a Request for Reconsideration on June 17, 2017 in which she submitted that:
  - she followed instructions given to her by the ministry representative who told her that many people were asked to leave their home and the ministry would pay for a truck;
  - she acquired a truck as directed and submitted the charges;
  - she has not done anything wrong and therefore requests that reconsideration be given for the cost of the truck so that she can make ends meet without causing more hardship.

The ministry completed its reconsideration on July 4, 2017.

The appellant filed a Notice of Appeal on July 19, 2017 in which she wrote: "I was told by the ministry representative that they would pay for a truck to move. Please honor the payment of \$125.00 for the truck."

The panel finds that the information provided by the appellant in his Notice of Appeal is in support of the information before the minister at reconsideration. The panel therefore admits this information as evidence under Section 22(4) of the Employment and Assistance Act (EAA) as it corroborates the appellant's circumstances.

The deadline for the appellant to submit information for the appeal was August 11. On August 21, the tribunal received a written submission from the appellant which was accepted as late by the appeal panel. Subsequently the date for the ministry's submission was extended.

In her late submission, the appellant stated that she is a good person who doesn't drink, smoke, or do drugs and she doesn't ask for food cheques. She said she is very stressed about her move because she had to give up a lot of furniture. She believes that the ministry's decision is 'a very cruel and cold-hearted thing to pull on somebody with disabilities.' The appellant stated that she did as she was told and now she has had to fill out forms three times. She had to use her money for hungry men and gas for their car. She said the ministry has made many mistakes with her file; she hasn't received her cheque stubs for two months. She wants the full moving allowance and money to pay for furniture.

The panel determined the additional documentary evidence provided in the late submission as part of the Notice of Appeal is admissible under s. 22(4) of the EAA as being in support of the information before the Minister at reconsideration and provides consistent information on her situation.

## PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the ministry's reconsideration decision of July 4, 2017 which held that the appellant is not eligible for a crisis supplement for moving costs because she did not meet the requirements of Section 55(3) of the Employment and Assistance for Persons with Disabilities Regulation.

The following legislation applies to the appellant's circumstances in this appeal.

### **Employment and Assistance for Persons with Disabilities Regulation**

#### ***Division 3 - Supplements - Family Unit Eligible for Disability Assistance or Hardship Assistance***

##### **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;

(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.

[am. B.C. Reg. 275/2004, s. 2.]

### *The Appellant's Position*

The appellant argues that she followed instructions given to her by the ministry representative who told her that the ministry would pay for a truck for her move. She acquired a truck as directed and submitted the charges. She argues that she did as she was told, has not done anything wrong and therefore requests that reconsideration be given for the cost of the truck so that she can make ends meet without causing more hardship.

The appellant feels that to deny her, a person with disabilities, the money to pay for her move is a "cruel and cold-hearted" decision.

### *Ministry's Position*

The ministry reviewed the appellant's submission that was documented with the Notice of Appeal on July 17 and the appellant's late submission of August 21.

In its written submission dated August 16, the ministry stood by its reconsideration decision. On August 22, the ministry confirmed its original position.

In its submission, ministry provided clarification of its procedure for handling requests for a moving supplement. When a client submits a request, the ministry creates a Service Request that includes notes of what the ministry has advised the client. In the appellant's case, there is no record of a request for a moving supplement until June 1, 2017 which was after she moved. At that time, the appellant provided the Notice to End Tenancy form and receipts for moving costs. Therefore, the ministry is not satisfied that the appellant received approval from the ministry prior to incurring her moving costs.

The ministry also noted that the appellant had a roommate at her previous residence and continues to share accommodations with the same roommate at her new residence. Accordingly, the ministry determined that the appellant's moving costs should be shared with her roommate.

### *The Panel's Decision*

To be eligible for a moving supplement, a family unit must meet one of the criteria listed in Section 55(2) and both criteria listed in Section 55(3) of the EAPWDR.

Section 55(2)(c) of the EAPWDR stipulates that the minister may provide a supplement for a family that is eligible for disability assistance for moving costs required to move within a 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. In the appellant's case, her residence was sold, she was issued a notice to vacate, and she subsequently moved to another location within the same municipality. Therefore, the appellant has met the criteria for eligibility as specified under Section 55(2).

Section 55(3) states that a family unit is eligible for a supplement under this section only if there are no resources available to the family unit to cover the costs for which the supplement may be provided, and a recipient in the family unit receives the minister's approval before incurring those costs.

The appellant submitted receipts for a vehicle rental and for gas, both of which were paid with the same credit card. While the name on the credit card is not that of the appellant, she did have access to resources to pay for the move. Therefore, the appellant does not meet the first criteria under Section 55(3).

The ministry suggested, in its submission, that the appellant resided with a roommate at her previous residence and continues to share accommodations with the same roommate at her current residence. There is no indication in the appeal documents to indicate that the appellant has a roommate in her new location. Regardless, the appellant's moving costs were paid by a credit card so the appellant did have access to resources.

The second criteria for eligibility for a moving supplement under Section 55(3) is that the family unit must obtain the minister's approval prior to incurring moving costs. Documents in the appeal records are inconsistent with respect to the earliest date that the appellant requested reimbursement for her moving costs. In the Request for Reconsideration, the ministry notes that the appellant first requested reimbursement on June 7. In the Reconsideration Decision, the ministry notes that June 2 is the date the appellant requested reimbursement, and in its submission the ministry states that there are no ministry notes regarding the appellant's request for a moving supplement until June 1, 2017. However, regardless of the discrepancies in the ministry's documents all dates are after the date of the move which was in May. Further, the appellant acknowledges that she did not seek approval prior to the move because she was not told she was required to do so. Therefore, the appellant does not meet the second criteria under Section 55(3).

The panel is sympathetic to the appellant's position in that she was apparently unaware of the requirements for requesting a moving supplement. However, the legislation is specific regarding eligibility criteria and the appellant did not meet the criteria.

The panel finds that the Ministry's decision to deny the appellant a crisis supplement for moving costs was a reasonable application of the legislation and supported by the evidence in the circumstances of the appellant.

Therefore, the panel confirms the Ministry's decision.