

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "ministry") reconsideration decision of August 17, 2017 which determined under section 10 of the *Employment and Assistance for Persons With Disabilities Act (EAPWDA)* and section 28 of the *Employment and Assistance for Persons With Disabilities Regulation (EAPWDR)* that the appellant was not eligible for disability assistance until she had complied with the ministry's request to provide rental receipts for January and February, 2017, and a tenancy agreement from January 1 to March 31, 2017.

PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Act (EAPWDA) section 10
Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) section 28

PART E – Summary of Facts

Nature of the Appellant's Appeal

The appellant wishes her disability assistance reinstated.

Information Before the Ministry at Reconsideration

1. The appellant is designated as a Person with Disabilities
2. A Request for Reconsideration dated August 18, 2017 in which the appellant states
 - she was requesting reconsideration because she had submitted all documents required of her
 - she had already dealt with another investigator while the one she had previously dealt with was on holidays
 - she met all the requirements that the replacement investigator asked of her
 - the next month she received her disability cheque
 - that the investigator she had originally dealt with returned to the office and had her disability cheque stopped because the appellant had not given the investigator all that had been requested even though she had dealt with the issue of what documents were requested with the replacement investigator
 - the original investigator wanted information concerning the appellant's bank deposits and an explanation of the activity on her account
 - the appellant explained that her friends transferred money to her by email to purchase items for them or to put money into their gambling accounts
 - investigator then asked the appellant for the names, numbers and letters from all three of the friends transferring money to the appellant in order to have her July 2017 cheque given to her. She did provide those letters, and said that was all that she was required to provide
 - the appellant's cheque was not given to her and she was told that more documents were required of her and she does not understand why there is still an issue with required documentation since she has dealt with the matter "a few times over" and has provided all that was required of her
3. Letters from the ministry as follows:
 - (a) April 5, 2017 advising the appellant she had been selected for review, asking her to make an appointment, attaching a copy of section 30 of the *EAPWDR*, section 10 of the *EAPWDA*, and a Review Checklist identifying the documents requested from the appellant
with the same attachments as were attached to the April 5, 2017 letter
 - (b) April 20, 2017 reminding the appellant that she did not make an appointment as she was requested to do in the letter of April 5, 2017, with the same the statutory attachments as attached to the previous two letters and a Bank Profile and Consent Form
 - (c) May 2, 2017 advising the appellant the ministry must periodically review files and asking her for specific documentation
 - (d) June 8, 2017 reminding of the appellant that the ministry had written to her May 2, 2017 asking for information, and saying that with the letter there were 41 pages of band [sic] attachments
 - (e) June 27, 2017 informing the appellant that the ministry had written to her on May 2, 2017 and June 8, 2017 asking for certain documentation and advising the appellant that as all of the requested documentation had not been provided, her eligibility could not be determined and she is no longer eligible for assistance and that her file would be closed August 10, 2017

4. A letter from the appellant "To whom it may concern" dated July 5, 2017 explaining she had friends without bank accounts send money to her for her to use her visa to purchase items for them, provide cash to them, and send money to other people and also advising that a storage company wanted payment for the storage units she had rented, that the company has been paid and she did not move out of town
5. A note from the appellant giving the names and phone numbers of five of persons
6. Notes from four of those persons confirming that they sent money to the appellant so that she could make various financial transactions for them
7. A permanent student record for the appellant's child (one page although the document refers to other documents)
8. A Universal child care benefit statement giving date modified as February 13, 2016
9. A T5007 Statement of Benefits giving as date modified February 13, 2016
10. A ministry statement of shelter information dated May 2017, with the right & left sides cut off
11. A Request for Information submitted online to the ministry on May 11, 2017 via "my self-serve"
12. A document which appears to be part of a cheque, payable to the appellant drawn by an unknown person on an unknown account
13. Approximately 40 pages of bank statements
14. A letter from a bank dated May 23, 2017 to the ministry confirming bank accounts and TFSA information

Information Provided on Appeal

Appellant Did Not Attend the Hearing

The appellant did not attend the hearing. After confirming that the appellant was notified of the date and time of the hearing, the hearing proceeded pursuant to Section 86(b) of the *Employment and Assistance Regulation*.

PART F – Reasons for Panel Decision

Issue on Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "ministry") reconsideration decision of August 17, 2017 which determined under section 10 of the *Employment and Assistance for Persons With Disabilities Act (EAPWDA)* and section 28 of the *Employment and Assistance for Persons With Disabilities Regulation (EAPWDR)* that the appellant was not eligible for disability assistance until she had complied with the ministry's request to provide rental receipts and a tenancy agreement from January 1 to March 31, 2017, was a reasonable application of the legislation in the circumstances of the appellant or was reasonably supported by the evidence.

Relevant Legislation

Employment and Assistance for Persons With Disabilities Act (EAPWDA) section 10

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)

(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)

Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) section 28

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).....

General Scheme of the Legislation

The general scheme of the legislation is that a person designated as a Person with Disabilities must provide information to the ministry when requested, in order to verify the person's need and

continuing eligibility for disability assistance, and if the person fails to provide information the minister may declare the person ineligible for disability assistance until the person complies with the request.

Parties' Positions at Appeal

Appellant's Position

The appellant did not attend the appeal, and therefore her position, apart from her Request for Reconsideration, is not known. In her Notice of Appeal she said only that she does not believe it is fully understood what her daily challenges are.

Ministry's Position

The ministry reviewed the history of requests for documentation as set out in the section entitled "Information Before the Ministry at Reconsideration". The ministry said that although complete compliance with the document requests was not made by the appellant, as she was attempting to cooperate she was given some leeway, but there were requested documents outstanding. Specifically those documents that had been requested and not provided were rental receipts for January and February 2017 and a tenancy agreement covering the period January 1, 2017 to March 31, 2017. The ministry representative said that the receipts which had been submitted for March and April 2017 were filled out on computer, and contained no contact information for the landlord nor were they signed, but the ministry was allowing leeway and not alleging that no receipts for those months had been provided. As to a rental agreement the ministry representative said that the only rental document was an "Intent to Rent" filled out on computer, and not signed but there was no tenancy agreement received. The ministry representative also said that he had reviewed the case notes and although the appellant said that she spoke with an investigative officer on May 11, 2017, the notes showed only that there was a phone call from the investigative officer to the appellant but the investigative officer was unable to leave a message as the appellant's voice mailbox was full. The Ministry representative said that he had conducted a review of the file, and that as at the date of the appeal hearing the documents requested but still outstanding had not yet been submitted. The ministry representative said that without the tenancy agreement and receipts the ministry was unable to verify whether or not the appellant was required to pay rent, or the amount of that rent.

Panel Finding

The panel finds that pursuant to section 10(1)(g) *EAPWDA* the appellant was directed to supply verification of her need for disability assistance. Specifically, she was directed to supply rent receipts for January to April 2017, as well as a tenancy agreement for the period beginning January 1, 2017. The panel finds that she supplied rent receipts for March and April, 2017, but did not supply rent receipts for January and February, 2017, nor did she supply a tenancy agreement.

The panel finds that in failing to supply rent receipts for January or February 2017 and in failing to supply a tenancy agreement for the period beginning January 1, 2017, the appellant failed to comply with the direction of the minister.

Conclusion

The panel finds that the ministry's reconsideration decision dated August 17, 2017 which determined that the appellant was not entitled to disability assistance until she complies with the ministry's direction to provide information, specifically rental receipts for January and February 2017 and a tenancy agreement for the period beginning January 1, 2017, was reasonably supported by the evidence and was a reasonable application of the legislation in the circumstances of the appellant.

The panel confirms the ministry's decision and the Appellant is not successful in her appeal.