

#### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation, renamed the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision dated July 12, 2017 which found that the appellant was not entitled to a supplement of her moving costs by reason that the appellant did not move for one of the legislated reasons set out in s.55(2)(a) – s.55(2)(e) of the Employment and Assistance for Persons With Disabilities Regulation (“EAPWDR”), and did not obtain prior approval from the Ministry pursuant to s.55(3)(b) prior to incurring the moving costs.

#### PART D – Relevant Legislation

s. 22(3)(b) of the Employment and Assistance Act (“EAA”)  
s. 55 of Employment and Assistance for Persons With Disabilities Regulation (“EAPWDR”)

## 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 EAA.

The evidence at reconsideration was:

- On May 18, 2017 the appellant requested assistance from the Ministry for moving costs
- The appellant advised the Ministry that she was residing in low-income housing, however due to a reduction in her family size she was given notice to vacate that housing May 31, 2017.
- The appellant states that she provided the Ministry with three moving quotes and that she had no choice but to move on June 1, 2017 so she ended up moving and using the cheapest moving service that she found.
- The appellant states that she used her rent money to pay for the moving costs.
- The appellant advised that she intended to move from one town in British Columbia to another town in British Columbia and that she was unable to physically move her belongings herself.
- On June 2, 2017 the Ministry attempted to contact the appellant but they were unsuccessful. The Ministry worker determined that the appellant was actually not in receipt of disability assistance but instead was only in receipt of Medical Services Only
- The appellant stated in her reasons for request for reconsideration that she was in fact in receipt of disability assistance as of June 16, 2017 and that she is currently no longer designated as medical services only.
- The appellant states that she is moving to a place with higher rent but only because she was required to vacate the low-income housing that she was living in.
- The appellant states that she looked for other low-income housing options but that she was unsuccessful in finding anything.
- A shelter information sheet indicating that as of May 31, 2017 the appellant pays \$1250 in rent for her new residence.

Notice of appeal which states:

- The appellant is in receipt of disability assistance.
- The appellant contacted the Ministry in May about getting her moving costs covered for a June move
- The appellant was not successful in getting the moving costs covered and she is now requesting that her costs be reimbursed
- Although her rent has gone up she was forced out of her home that she lived in for 14 years and low-income housing had no more places suitable for her.

PART F – Reasons for Panel Decision

The issue on appeal is:

Whether the Ministry's reconsideration decision dated July 12, 2017 which found that the appellant was not entitled to a supplement of her moving costs by reason that the appellant did not move for one of the legislated reasons set out in s.55(2)(a) – s.55(2)(e) of the Employment and Assistance for Persons With Disabilities Regulation ("EAPWDR"), and did not obtain prior approval from the Ministry pursuant to s.55(3)(b) prior to incurring the moving costs was reasonably supported by the evidence or a reasonable application of the applicable legislation in the circumstances of the appellant.

The legislation provides:

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.

(4) A supplement may be provided under this section only to assist with

(a) the cost of the least expensive appropriate mode of moving or transportation, and

(b) in the case of a supplement under subsection (2) (f) or (g), the least expensive appropriate living costs.

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

The panel notes that the Ministry's reconsideration decision makes an error in citing the legislation as s.57 EAPWDR on occasion instead of s.55 EAPWDR.

The panel finds:

The appellant moved to another community in British Columbia, and so it was reasonable for the Ministry to determine that s.55(2)(b) EAPWDR did not apply to the appellant. The appellant did not provide evidence about moving for employment and so the panel finds it was reasonable for the Ministry to determine that s.55(2)(a) EAPWDR did not apply to the appellant.

The appellant provided evidence that she was no longer permitted to live in her current low-income housing because of a reduction in her family size. The appellant states that she was given notice to vacate that low-income housing May 31, 2017. The appellant did not provide additional evidence to show that the low-income housing she was living in was being sold, demolished, or condemned. The legislation in s.55(2)(c) EAPWDR states that in addition to receiving a notice to vacate the residential accommodation must be being sold, demolished or condemned. The panel finds that it was reasonable for the Ministry to determine that s.55(2)(c) EAPWDR did not apply to the appellant.

The appellant provided evidence, in her request for reconsideration and her notice of appeal, that her shelter costs increased as a result of the move. The panel finds that it was reasonable for the Ministry to determine that because the appellant's shelter costs were not reduced as a result of the move, s.55(2)(d) EAPWDR did not apply to the appellant.

The appellant provided evidence that she was required to move, but did not provide sufficient additional evidence that she was required to move due to an imminent threat to her physical safety. The panel finds that it was reasonable for the Ministry to determine that s.55(2)(e) EAPWDR did not apply to the appellant.

In addition to not meeting one of the legislated criteria that would permit the appellant a moving supplement, the appellant also provided evidence in her request for reconsideration that she in fact moved on June 1, 2017 and incurred moving costs on that date. The appellant states that she used the cheapest of three quotes that she obtained for the moving costs. The panel finds that it was reasonable for the Ministry to deny the appellant a moving supplement because the appellant moved and incurred costs for the move on June 1, 2017, which was prior to obtaining the Ministry's approval, which is a requirement of s.55(3)(b) of the EAPWDR.

The panel finds that pursuant to s.24(1)(b) EAA the Ministry's decision was a reasonable application of the legislation in the circumstances of the appellant and confirms the Ministry's decision.