

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “Ministry”) reconsideration decision of July 5th, 2017 denying the Appellant’s request for a moving supplement. The Ministry determined that the Appellant did not meet the requirements for a moving supplement in section 55 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically, the Ministry determined that there was no evidence provided in support of the Appellant’s claim that he faced an imminent threat to physical safety as per section 55(2)(e) of the EAPWDR.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”) Section 55.

PART E – Summary of Facts

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

- 1) June 6th 2017 dated Request for Reconsideration – indicating that the appellant intends to dispute the decision to deny a moving supplement of \$447 and requesting an extension to file the dispute for one month (June 6th to July 6th 2017. Extension approved.
- 2) April 12, 2017 – A dated letter from the appellant requesting emergency funding for an emergency household move due to personal safety reasons. The appellant writes that his landlords deliberately vandalized his rental and that the police were called and a complaint was filed with the RCMP. Additionally, the appellant reports that he has been subject to extreme personal abuse as well as the threat of physical violence on three separate occasions, which he describes. With this letter, the appellant provides a note from a physician supporting the claim that the move is necessary and that his current living conditions have added to his mental instability.
- 3) Three different moving quotes with varied costs - obtained before the appellant's moving date. The least expensive quote was ultimately used to move the appellant.

The appellant did not attend the hearing. After waiting ten minutes past the start time of the hearing and determining that the appellant was notified of the hearing, the panel proceeded with the hearing in the absence of the appellant pursuant to Section 86(b) of the Employment and Assistance Regulation.

The ministry relied on the reconsideration decision and did not introduce any additional evidence.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry of Social Development and Social Innovation (the “Ministry”) reconsideration decision of July 5th, 2017 denying the Appellant’s request for a moving supplement. The Ministry determined that the Appellant did not meet the requirements for a moving supplement in section 55 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically, the Ministry determined that there was no evidence provided in support of the Appellant’s claim that he faced an imminent threat to physical safety as per section 55(2)(e) of the EAPWDR.

The relevant sections of the legislation are as follows:

Employment and Assistance for Persons with Disabilities Regulation

Section 55 – Supplements for moving, transportation and living costs

55(1) In this section: ..“moving cost” means the cost of moving a family unit and its personal effects 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.... 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 the 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.

Panel Decision

The ministry’s position, as set out in the reconsideration decision, is that the appellant is not eligible for a moving supplement due to the appellant not having provided sufficient evidence to support the claim that he faced imminent danger to his physical self as per Section 55(2)(e) of the Employment and Assistance for Persons With Disabilities Regulation. The appellant stated in his appeal that he needed to move due to his personal safety being threatened by his landlords, and that he was requesting the Tribunal to provide an extension for two months so that he could receive the police reports from a request made under the Access to Information and Privacy Act (ATIP).

Section 55(2) of the EAPWDR provides that the subject to subsections (3) and (4), the minister may provide a supplement to or for a family unit that is eligible for disability 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 the 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.

Firstly, the panel notes that the ministry accepts that the Appellant has limited resources to move himself and his items. However, the legislation requires that the Ministry can only provide a moving supplement for the appellant if his request meets the provisions in section 55 of the EAPWDR.

The panel finds that the ministry reasonably determined that the evidence failed to establish that the appellant's request fell within any of the circumstances in section 55(2). Specifically, that the appellant is (a) not moving because of employment; (b) he is not moving to another province or country to improve his living circumstances; (c) he is not moving within an adjacent municipality because his accommodation is being sold, demolished or condemned; (d) he is not moving because his shelter costs could be significantly reduced. The appellant argues that, (e) applies because he was facing a threat to his physical safety at the hands of his landlords and that the police were involved on a number of occasions. The panel finds that the ministry was reasonable when it considered that the appellant had made this claim beginning in 2016 and had considered the information provided by the physician on March 31, 2017 regarding the appellant's living conditions adding to his mental instability. However, without evidence of this claim in the form of a police file number or report, and given that the incidents with the landlords had been going on since December 2016, the ministry was reasonable in not being satisfied that the appellant was moving to another area of the province to avoid an imminent threat to his physical safety.

As such, the panel finds that the ministry reasonably determined that the appellant failed provide sufficient evidence to support his claim of facing an imminent threat of danger to his physical safety at the hands of his landlords pursuant to Section 55(2)(e). Further, the panel finds that the ministry reasonably determined that the appellant did not meet any of the other criteria necessary to be afforded a moving supplement as set out by Section 55(2)(a-d).

Accordingly, the panel finds that the decision of the ministry to declare the appellant ineligible for a moving supplement was a reasonable application of the applicable enactment in the circumstances of the appellant. 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.