

## PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (the ministry) dated August 2, 2017, which determined that the appellant was not eligible for a moving supplement. The ministry determined that the circumstances of the appellant's move did not meet one of the criteria set out in section 55(2) and did not meet the requirement to obtain approval from the minister prior to incurring costs as set out in section 55(3) of the Employment and Assistance for Persons with Disabilities Regulation.

## 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:

- The appellant contacted the ministry on June 20, 2017 requesting assistance with a moving supplement. The appellant stated that her landlord is harassing her and entering her suite unannounced. The appellant stated that she was brought to arbitration as June's rent was late and doesn't feel safe living at her residence. The ministry worker requested two moving quotes to assess the appellant's eligibility for a moving supplement.
- The appellant stated she had five police file numbers and a video of her previous landlord pushing her. The previous landlord stated to the ministry that the police and peace officers were called several times since the appellant had continued to violate the agreement, specifically in regards to showing the suite. This dispute ended up at the Residential Tenancy Board and the Board ruled in favour of the landlord and the appellant was evicted from her residence for non-payment of rent. The appellant stated she did pay June's rent to the landlord but the landlord upheld the eviction. Neither the landlord or the appellant submitted any police reports and both have provided a different account of what transpired.
- July 6, 2017 the appellant submitted a receipt from Budget for \$483.27.

### **At the Hearing**

The appellant stated that on the telephone call she made on June 20, 2017 to the ministry, the worker had told her that she was eligible to receive the moving supplement. The appellant notified the ministry at this time that she had five police report files against her landlord and the ministry worker advised her to get two quotes from moving companies and submit them to the ministry. The appellant experienced difficulties finding a moving company and at the last minute found a moving truck that was available for the next day. Since it was past 4:30pm, and the ministry offices were closed, she felt she had to make a judgement call therefore she hired the movers to move her belongings. The appellant argued that she was not informed that she wouldn't be reimbursed for the moving expenses therefore she submitted the receipt for the amount she paid for the moving expenses.

The ministry relied on the reconsideration decision and highlighted there were no quotes that were submitted prior to the move, only an actual receipt of paid moving expenses. The ministry discussed another criterion which is an imminent threat to the family unit's physical safety, but in this case the ministry stated that there was no evidence provided to indicate that there was an imminent threat to the appellant's physical safety. Furthermore, the ministry highlighted there was no contact by the appellant to the ministry from June 20<sup>th</sup> to the 1<sup>st</sup> of July to discuss moving expenses.

## PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's conclusion to deny the appellant a moving supplement was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstance of the appellant.

Under Section 55 of the EAPWDR, to receive a moving supplement the applicant must be eligible for income assistance, other than as a transient under Section 10 of Schedule A of the EAPWDR, or eligible for hardship assistance. If one of those conditions are met, Section 55 of the EAPWDR specifies additional criteria that the person's family unit must meet in order to qualify for a moving supplement.

The relevant legislation is as follows:

*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.

### **Panel's findings:**

The appellant's position is that she was moving to avoid an imminent threat to her physical safety and that she believed her moving costs were covered due to the June 20, 2017 telephone conversation with the ministry.

The ministry's position is that the appellant is not eligible for a moving supplement because she did not meet any of the criteria in section 55(2) and section 55(3)(b) of the EAPWDR. Specifically, the ministry contends that the appellant is not moving because she has confirmed employment which would significantly improve her financial independence, she is not moving to avoid an imminent threat to her physical safety, she is not moving because her residence is being sold, demolished or condemned, and she is not moving to a residence where her shelter costs would be significantly reduced.

Section 55(2) of the EAPWDR states that the minister may provide a supplement to or for a family unit that is eligible for disability assistance with 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. The panel finds that this condition does not apply in this case.
- To another province or country, if the family unit is required to move to improve its living circumstances. As the appellant is not moving to another province or country, the panel finds that the ministry reasonably determined that this criterion is not satisfied.
- 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. The panel finds there was no evidence submitted to suggest the move was as a result of current accommodation being sold, demolished or condemned therefore the panel finds that the ministry reasonably determined that this criterion is not satisfied.
- 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. The appellant provided her shelter costs increased from \$1,100 per month to \$1,300 per month. The panel finds that the ministry was reasonable to determine that this criterion has

not been met since the shelter costs have increased.

- To another area in British Columbia to avoid an imminent threat to the physical safety of any person in the family unit. The appellant stated that she has five police file numbers concerning her previous landlord. The previous landlord stated to the ministry she had called the police and peace officer's several times due to violation of the agreement, specifically in showing the suite. This led to arbitration at the Residential Tenancy Board which ruled in favour of the landlord. The appellant was evicted from her residence for non-payment of rent. Both the landlord and the appellant provided different accounts of what transpired. In the absence of substantiating information from the appellant, such as the police reports she referred to, the panel finds the ministry reasonable in their decision to accept the Residential Tenancy Board's ruling in this matter. The panel finds the ministry reasonable in concluding the information received from the appellant wasn't sufficient to demonstrate imminent threat to physical safety and as such section 55(2)(e) does not apply.

Section 55(3) of the EAPWDR states that further eligibility requirements must be met in order for the minister to provide a moving supplement. A family unit is only eligible for a moving supplement 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 panel finds that while the appellant contacted the ministry prior to moving, she did not provide information, including the requested quotes, upon which the ministry could assess her eligibility for a moving supplement. As the appellant had not received approval for her moving costs prior to incurring those costs, the panel finds that the ministry reasonably determined that the requirements of section 55(3) of the EAPWDR were not met.

### **Conclusion**

The panel finds that the ministry's determination that the appellant was ineligible for a moving supplement under Section 55(2) and 55(3)(b) of the EAPWDR because she did not meet the eligibility criteria was reasonably supported by the evidence and is a reasonable application of the legislation.

The panel therefore confirms the ministry's decision. The appellant is not successful in this appeal.