

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 September 1, 2017 which held that although the appellant is eligible for a supplement to cover the costs of moving his belongings from his temporary accommodation in City A to his permanent residence in City B under section 55 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), he is not eligible for a supplement to cover the costs of storing his belongings in City B for the two months following his move to that city.

PART D – Relevant Legislation

EAPWDR, section 55

PART E – Summary of Facts

In June 2017, the appellant resided in City A. He requested and received approval for a moving supplement to temporarily relocate within City A until he was able to secure permanent accommodation in City B. The ministry determined that the move was required to avoid imminent threat to physical safety as the appellant was fleeing an abusive relationship on June 30, 2017. The ministry paid for the cost of moving to the temporary accommodation and storage fees in City A for the appellant's belongings until the end of August 2017.

On July 17, 2017, the appellant requested a moving supplement to move his belongings from City A to City B, as he had secured accommodation in City B effective September 1, 2017. A Shelter Confirmation form dated July 28, 2017, moving quotes dated July 17, 2017 and July 31, 2017, as well as a quote for 30 days of storage in City B dated July 17, 2017, are included in appeal record.

The ministry contacted the appellant via the client portal to enquire why storage was required in City B given that permanent accommodation had been secured in City B. On July 31, 2017, the appellant responded as follows. "In regard to storage, as I previously explained, due to my disabilities I need a more gradual transition. In addition, I have moved from an apartment that was not shared to an apartment that is shared, and there isn't sufficient space for all of my things (personal items, furniture, etc.). I have requested storage to allow me a short period of time to sort and reduce the volume, etc. I can however, likely manage with a smaller storage locker than originally proposed (and the company that provided the original quote has become difficult to work with), so I am obtaining other quotes that I will submit when received."

In communication via the client portal on August 8, 2017, the appellant wrote "I would, therefore, ask for approval to rent a storage locker for two months" The appellant's request does not appear to include a request for moving his belongings, once sorted, from the storage facility in City B to his permanent accommodation in City B.

On August 14, 2017, the ministry approved the moving costs from City A to City B but not the requested two months of storage costs in City B.

In his Request for Reconsideration, the appellant writes that at the time he made his original request for moving and storage in City A, it was discussed and understood that the support required for the appellant to make this transition was moving and storage while residing in temporary housing in City A (the first request), and moving and storage for the move to permanent housing in City B (the second request). The appellant had recently experienced domestic violence, the sudden and unexpected death of two very good friends, combined with the end of two+ other significant relationships, and the stress and anxiety of moving to another city. Essentially, everything in the appellant's life was changing very dramatically. His disability causes him to become unable to function when overwhelmed. The storage in City B would give the appellant a short period of time for "the overwhelm" to lighten, and he would have access to the resources of friends to help sort and reduce the volume of personal items and possessions (which is not available in the current city).

The balance of the information in the appellant's Request for Reconsideration comprised argument.

Neither the appellant nor the ministry provided new information on appeal.

The appellant's Notice of Appeal comprised reiteration of previous information, as well as argument.

The arguments of both parties are set out in Part F of this decision.

PART F – Reasons for Panel Decision

Issue under appeal

The issue under appeal is whether the ministry's decision that under section 55 of the EAPWDR the appellant was not eligible for a "moving cost" supplement to cover two months of storage following his move to City B was reasonably supported by the evidence or a reasonable application of the legislation.

Relevant Legislation – section 55 of the EAPWDR

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 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

Section 55 allows for the provision of a supplement to cover “the cost of moving a family unit and its personal effects from one place to another” when the move is required for one of the circumstances set out in subsection (2). In this case, the ministry accepted that both the initial move to temporary accommodation within City A and the subsequent move to City B were required as the appellant was fleeing an abusive relationship and therefore fell within the circumstance set out in subsection (2)(e) - to avoid an imminent threat to the physical safety of the appellant.

Recognizing that there may be circumstances when a family unit’s personal effects would require temporary storage in the process of moving, the ministry developed policy stating that “moving cost” may include storage costs when a family unit is required to store its belongings for a limited period of time during the course of a move. In this case, the ministry determined that such a circumstance existed as the appellant was fleeing an abusive relationship on June 30, 2017, and required immediate removal from that situation to temporary accommodation within City A and storage of his belongings in City A while he resided in the temporary accommodation.

The appellant argues that the principles of administrative justice require that the move within City A be considered separately from the subsequent move to City B, and that such consideration would result in him being found eligible for storage costs in City B. The panel finds that the information from both the appellant and the ministry makes it clear that from the outset both the appellant and the ministry understood that the move within City A was a temporary measure to afford the appellant an opportunity to secure permanent accommodation further away in City B. Accordingly, the ministry has reasonably viewed the move within City A and the subsequent move to City B as part of the appellant’s initial request for a moving supplement and that the approved storage costs in City A were required for a limited period of time as the appellant was immediately fleeing an abusive relationship to accommodation in City A that was only temporary.

The appellant argues that it is unreasonable to deny coverage for an additional two months of storage in City B given his circumstances, which include the recent loss of friends and relationships, that he was downsizing to shared accommodation, and that he had friends in City B who could assist in sorting and reducing the volume of belongings. The appellant argues that failure to provide this additional time to sort through his belongings in City B amounts to a failure to accommodate his disability. The panel finds that the inclusion of storage costs within the legislated definition of “moving cost” is reasonably viewed by the ministry as applying to costs for a temporary holding place while awaiting permanent accommodation and that “moving cost” as defined in section 55 of the EAPWDR cannot be so broadly interpreted as to extend to storage costs to allow for sorting through belongings following a move to permanent accommodation. Furthermore, as the ministry notes, from the time the appellant secured permanent accommodation in City B, which occurred no later than July 17, 2017, as evidenced by the quotes for moving and storage, the appellant had approximately a month and a half to sort through his belongings while in storage in City A, including two weeks following the original denial, on August 15, 2017, of his request for storage costs in City B.

The panel concludes that the ministry’s reconsideration decision denying the appellant’s request for storage costs in City B was a reasonable application of the legislation, section 55 of the EAPWDR, in the circumstances of the appellant. The appellant’s appeal is not successful.