

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “ministry”) August 24, 2017 reconsideration decision denying the appellant’s request for a moving supplement because the appellant did not meet the eligibility criteria under section 55(2) or 55(3)(b) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR):

- The appellant did not move to confirmed employment that will significantly promote the financial independence of his family unit;
- he did not move to another province or country;
- he did not move because his accommodation was being sold, demolished or condemned;
- his shelter costs were not significantly reduced as a result of the move;
- he did not move to another area of BC to avoid an imminent threat to his physical safety;
- he did not request nor receive approval from the ministry before incurring the cost of his move.

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:

Information from the Reconsideration Decision:

The appellant receives disability assistance as a single person.

On July 10th, 2017 the appellant contacted the ministry to advise he may be moving at the end of August because he was having difficulties with his roommate/daughter.

On July 31, 2017 he requested a moving supplement to re-imburse moving costs of \$150.

The appellant's shelter costs have increased from \$412 per month (rent and hydro) at his previous accommodation to \$500 at his current accommodation.

In an undated estimate for a move within the same municipality expenses are detailed as follows: for a truck for 3 hours and a driver/mover for 3 hours and gas for 2 trips, totaling \$150.

On a ministry form dated July 31, 2017 the appellant requested \$150 for moving. He wrote that his truck broke down and quoted estimated repair costs of \$250 from a local auto repair shop.

In a letter dated August 16, 2017 the appellant writes that on July 10, 2017 he informed the ministry that due to several NSF rent cheques by his roommate from August 2016 to October 2016 he was served 2 eviction notices during this period. His shelter/rent is paid to the owner directly by the ministry. To resolve the issue and avoid eviction he took on the entire rent. He made temporary arrangements with his roommate which failed - his bills were in jeopardy and he was suffering; so he requested the full amount of his roommates rent share on the first of every month.

He was continually chasing down the rent and this resulted in arguments with his roommate. His roommate's boyfriend became verbally and physically abusive and the appellant was forced to defend himself. During this time period he was forced to use the foodbank. He informed his roommate by May if the situation did not change he would be forced to move or face all his bills going to collection. By the end of May nothing had changed. He gave his notice to move at the end of July – meeting the month-to-month criterion.

While beginning to look for a new dwelling he was faced with the possibility to live in his truck. He believes there was enough information given to the ministry but their reply on July 10 was that he could not move – he left the office in a state of panic and confusion. His truck broke down during his move and he was forced to seek help from a new roommate.

In his Notice of Appeal dated September 12, 2017, the appellant wrote: "On July 10, 2017 when the worker told me I could not move I explained the physical confrontations to get my rent etc."

At the beginning of the hearing the appellant explained that he has medical issues and had to take medication prior to the hearing in order to cope. Sometimes he gets into "fight or flight" mode. Due to this condition he appears agitated when in reality he is not.

He then retold the panel his story and stated that he needs a roommate for financial reasons. He did not report the physical confrontations to the police but someone else did. He gave notice in June and on July 5th he found a new place. He moved out on July 15. At the beginning of 2017 he informed the

ministry that his daughter no longer paid her share of the rent. The ministry has a signed document of that.

At the hearing both ministry both parties confirmed that the appellant had not asked the ministry for money on July 10. His next contact with the ministry was on July 31 – it was then when he asked for money.

The ministry reviewed its reconsideration decision and the relevant legislation, and clarified that according to their records at the time of reconsideration the arrangement was that the appellant and his roommate were each paying 50% of the rent.

Pursuant to section 22(4) of the Employment and Assistance Act, the panel admitted the appellant's and ministry's oral testimony as it re-iterated information that was before the ministry at reconsideration and provided more details about his move and about his problems with his roommate/daughter. This information was as in support of the evidence that was before the ministry when it made its reconsideration decision.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry reasonably denied the appellant's request for a moving supplement because he did not establish that under section 55(2) and 55(3)(b) EAPWDR

- he moved to confirmed employment that will significantly promote the financial independence of his family unit;
- he moved to another province or country;
- he moved because his accommodation was being sold, demolished or condemned;
- his shelter costs were significantly reduced as a result of the move;
- he moved to another area of BC to avoid an imminent threat to his physical safety.
- he requested or received approval from the ministry before incurring the cost of his move.

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.

While the ministry determined that the appellant did not meet any of the moving supplement eligibility criteria under section 55(2) and 55(3)(b) it found that the criterion under section 55(3)(a) was met because when his truck broke down and he hired someone with a truck to assist with his move he had no resources to cover the cost of the move; lack of resources is therefore not at issue in this appeal.

In its decision the panel is looking at each applicable section of the legislation as it pertains to the appellant's circumstances.

Confirmed employment – section 55(2)(a)

Pursuant to section 55 (2)(a) the ministry may provide the appellant with a supplement for moving costs if he has arranged confirmed employment anywhere in Canada that would significantly promote his financial independence.

The ministry argues that the appellant is not eligible for a moving supplement under this section because he has not submitted any information to indicate he had arranged confirmed employment that that will significantly promote the financial independence of the family unit; therefore, section 55(2)(a) does not apply.

The panel finds that as there is no evidence of confirmed employment the ministry reasonably denied the appellant a moving supplement under section 55(2)(a).

Improved living conditions – section 55(2)(b)

Pursuant to section 55(2)(b) the ministry may provide moving costs to another province or country, if the appellant is required to move to improve his living circumstances.

The appellant submits that after his move his quality of life improved as he no longer has to deal with a roommate who does not pay his share of rent and who has a violent boyfriend.

The ministry argues that while the appellant indicated his quality of life has improved he is moving within the same province/country and therefore section 55(2)(b) does not apply.

The panel finds that there is some evidence that the appellant's quality of life has improved but section 55(2)(b) does not apply in this case because he moved within the province of BC and not to another province or country. Consequently, the panel finds that the ministry reasonably determined that the appellant was not eligible for a moving supplement under section 55 (2)(b).

Accommodation sold, demolished or condemned – section 55(2)(c)

Section 55(2)(c) affirms that the ministry may provide moving costs within a municipality or to an adjacent municipality because the appellant's accommodation is being sold, demolished, or has been condemned.

It is the ministry's position that section 55(2)(c) does not apply as the appellant is not moving as a result of his current accommodation being sold, demolished or condemned.

The panel finds that as the appellant was not moving for any of these reasons the ministry reasonably denied the appellant a moving supplement under section 55(2)(c).

Significantly reduced shelter costs – section 55(2)(d)

According to section 55(2)(d) the ministry may provide moving costs within a municipality or to an adjacent municipality if the appellant's shelter costs would be significantly reduced.

The appellant submits that his shelter costs were significantly reduced after his move. While he had to pay \$800 per month before his move his shelter costs decreased to \$500 per month because his new roommate pays his share of the rent on time.

It is the ministry's position that as the appellant's shelter costs have increased from \$412 per month (rent and hydro) to \$500 after his move, section 55(2)(d) does not apply.

The panel finds that there is insufficient evidence that the appellant's shelter costs were significantly reduced after the appellant's move: while the appellant stated that before his move he had to pay all the rent amounting to \$800 the ministry held that according to their records at the time of reconsideration the appellant and his roommate were each paying 50% of the rent. Thus the panel finds that the ministry reasonably denied the appellant a moving supplement under section 55(2)(d).

Imminent threat to physical safety – section 55(2)(e)

Pursuant to section 55(2)(e) the ministry may provide moving costs to another area in British Columbia to avoid an imminent threat to the appellant's physical safety.

The appellant submits that financial difficulties between him and his roommate were the reason for his move. He also reports that in the past his roommate's boyfriend became physically abusive toward the appellant.

It is the ministry's position that the appellant moved due to financial difficulties with his roommate/daughter, not to avoid an imminent threat to his physical safety and as such, section 55(2)(e) does not apply.

The panel finds that according to the evidence provided by the appellant he moved because his roommate did not pay her share of the rent. While the appellant also reported that his roommate's boyfriend had been physically abusive towards him the panel finds that there is insufficient evidence to establish that an imminent threat to his physical safety made the appellant move away. As such, the panel finds that the ministry reasonably denied the appellant a moving supplement pursuant to section 55 (2)(e).

Section 55 (3)(b)

Section 55 (3)(b) of the EAPWDR states that a family unit is only eligible for a moving supplement if a recipient in the family unit receives the ministry's approval before incurring the costs.

The appellant argues that he had given the ministry enough information to convince them that he was eligible for a moving supplement.

The ministry argues that the appellant did not request nor receive approval from the ministry before incurring the cost of his move but submitted a receipt for a cost already incurred; therefore, section 55 (3)(b) has not been met.

The panel finds that the evidence does not establish that the appellant received the ministry's approval before incurring the moving costs. The panel finds further that according to the evidence the appellant had not asked the ministry for funds when he informed them of his intended move. Thus the panel finds that the ministry was reasonable in denying the appellant a moving supplement pursuant to section 55 (3)(b).

Conclusion

For these reasons, the panel finds that the ministry's decision to deny the appellant a moving supplement was a reasonable application of the legislation in the circumstances of the appellant. The ministry's decision is confirmed.