

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated September 12, 2017, in which the ministry denied the appellant's request for a moving supplement under section 55 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), as she did not meet the required criteria set out in s. 55 in order to be eligible to receive a moving supplement.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA)- Section 5
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 55

PART E – Summary of Facts

The appellant is a sole recipient with Persons with Disabilities (PWD) designation

July 27, 2017- the appellant contacted the ministry to request a Moving, Transportation and Living Costs Supplement.

August 9, 2017, the appellant was denied her request for the Moving Supplement

August 28, 2017 the appellant submitted a Request for Reconsideration.

September 12, 2017 the ministry denied the appellant's request

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

- Moving and storage quotes for \$698.00 and \$750.00
- Shelter Information form dated July 25, 2017 noting a rent fee of \$750.00
- Residential Tenancy Agreement dated July 26, 2017, ministry date stamped July 28, 2017 noting current rental agreement
- Letter from landlord (no date) which states:
 - As per conversation May 18, 2017 to ensure no confusion
 - The living arrangement between the appellant and the roommate is not a good fit nor is it healthy for either of them
 - Confirming the appellant will vacate the premises on, no later than May 31, 2017
 - We would like this to be a friendly parting
 - They wish the appellant no harm and all the best
- A letter from the appellant to the roommate which stated she has rights specifically she:
 - is entitled to a 30-day notice
 - is entitled to peace and quiet in her accommodation
 - is entitled to her damage deposit
 - will vacate June 30, 2017 by 1 PM
 - has written this letter without conflict or communication thus no verbal abuse on her part can be said
- A letter from the roommate's daughter's lawyer which states:
 - The appellant shares a room with the daughter's mother and that the situation is unsatisfactory to all parties
 - The arrangement is not subject to the Residential Tenancy Act
 - The appellant is to vacate with her belongings by May 31, 2017
- The appellant's Notice of Appeal dated October 6, 2017, where she wrote:
 - The ministry based their decision on her 2nd last paid rental which was only \$250
 - The arrangements were false leading to her
 - Her newer address (shelter) she pays no rent and now she does and it is far too expensive
 - She has no bed, fall clothes or pots to cook in
- The appellant's Request for Reconsideration dated September 12, 2017, where the appellant wrote:
 - She was invited to move in as a companion to another room mate
 - Her roommate stopped driving, doing laundry and taking medication
 - Her roommate started verbal abuse and loud screaming episodes
 - She called the room mates' daughter

- The aggressive son-in-law of the roommate came over and made demands in a very abusive manner; she wouldn't accept this from no one and tried to leave the conversation but was made to stay, she stayed to witness the son in-law be abusive to her and the room mate
- Her rent was low as the family of her roommate knew her income was low and she had disabilities but the roommate didn't know this
- The threatening ways of the family started to fall on the appellant and she would not allow this and this is when they told her to leave (May 31, 2017). They tossed her out on the street
- She is moving to improve her living circumstances as she was living in a shelter too and feared for her life at both places
- She is looking for a cheaper place, as she cannot afford this place; is on wait lists for BC housing
- She has no bed, pots to cook or clean clothes.
- Her items in public storage is 140 maybe 170 per month
- she doesn't have a vehicle to pick up her clothes or dressers
- a number of medical physical issues that is making dealing with the move difficult

At the hearing, the appellant stated:

- She has disabilities, is on a wait list for housing based on her income, finds the paper work of this process confusing,
- Was under the impression she was approved for the moving supplement when she was asked to obtain 3 moving quotes
- She feared for her life due to the verbal abuse of the son in law
- The landlord talked about selling or demolishing the home she was a tenant
- Due to her health condition is unable to pack her belongings.
- Her mother is paying \$140 per month for storage.
- She has been living in her new residence for 3 months without her belongings (bed, clothing cookware).
- When asked if when living as a roommate she felt her rent was lower (\$250) as she was expected to act as a day care giver, the appellant responded she was only a roommate and that she was not employed by the family.
- If she had known that to qualify for improving her living conditions she had to move from the province or country she may have done that.

At the hearing, the ministry stated:

- The reasons why the appellant was not successful in her request for a moving supplement in terms of Section 55 subsection 2, (a-e) is as outlined in the reconsideration documentation.
- When asked why the ministry might ask for moving quotes prior to approval, that this is not policy but may have been part of the conversation between the appellant and the ministry worker.
- When asked what rent amount the ministry was considering in terms of the appellant's request, it was not the shelter amount of zero but rather the roommate amount of \$250.

PART F – Reasons for Panel Decision

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated September 12, 2017, that denied the appellant's request for a supplement to cover the costs of moving was reasonably supported by the evidence or was a reasonable application of the Employment and Assistance Act and Regulations in the circumstances of the Appellant.

The Ministry determined that the appellant's request met the criteria of section 55 (3) (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 but did not meet any of the legislative criteria set out in section 55 (2) (a-g) of the Employment and Assistance for Persons with Disabilities Regulation.

Relevant Legislation

Employment and Assistance for Persons with Disabilities Act

Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance for Persons with Disabilities Regulation

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.

The regulations, of Section 55 (2) of the EAPWDR states the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it. To be eligible, the appellant must meet one or more of the seven criteria (a-g) set.

Section 55 (2) (a) EAPWDR- moving costs required to move anywhere in Canada, if a recipient in the family unit is not working but has arranged confirmed employment...

Ministry's Position

No information was made available in terms of employment therefore the ministry determined the appellant was not eligible for a moving supplement.

Appellant's Position

The appellant did not argue this point.

Panel Finding

The panel found the ministry reasonable to conclude that there is insufficient evidence that the Appellant qualifies for a moving supplement under Section 55 (2) (a) of the EAPWDR as there was no evidence the appellant had confirmed employment.

Section 55 (2) (b) EAPWDR- moving costs required to move to another province or country, if the family unit is required to move to improve its living circumstances

Ministry's Position

The appellant did not move out of province or the country therefore the ministry determined the appellant was not eligible for a moving supplement.

Appellant's Position

The appellant argued if she had known she had to move out of the province to qualify for a moving supplement she may have done so.

Panel Finding

The panel found the ministry reasonable to conclude that there is insufficient evidence the appellant qualifies for a moving supplement under Section 55 (2) (b) of the EAPWDR as there

was no evidence the appellant had moved out of the province or country to improve her living conditions.

Section 55 (2) (c) EAPWDR-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

Ministry's Position

No information was made available in terms of the appellant's accommodation was being sold or demolished or that it had been condemned therefore the ministry determined the appellant was not eligible for a moving supplement.

Appellant's Position

The appellant argued she had heard the landlord(s) talking about selling the residence as per the owner's husband's will, or that they might demolish the residence and therefore believed that she should qualify for a moving supplement.

Panel Finding

The panel found the ministry reasonable to conclude that there is insufficient evidence that the appellant qualifies for a moving supplement under Section 55 (2) (c) of the EAPWDR as there was insufficient evidence to verify the residence was to be sold, demolished or that it was condemned.

Section 55 (2) (d) EAPWDR- 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

Ministry's Position

The appellant moved to a more expensive residence and therefore was not eligible for a moving supplement.

Appellant's Position

The appellant argued that in order to leave the shelter she had to pay the higher rent and that she was on the list for lower cost housing due to her income.

Panel Finding

The panel found the ministry reasonable to conclude that the appellant did not qualify for a moving supplement under Section 55 (2) (d) of the EAPWDR as her new rent of \$750 is more than her rent at the shelter (free) and as well in the residence she resided before the shelter where she was a roommate for \$250 per month.

Section 55 (2) (e) EAPWDR- 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

Ministry's Position

As the appellant had written to her roommate stating she was entitled and expected 30 days notice after May 30 to vacate rather than to vacate on May 30th the appellant did not find herself in imminent threat of her physical safety.

Appellant's Position

Due to the verbal abuse of the son in law, she feared for her life.

Panel Finding

The panel found the ministry reasonable to conclude that the appellant did not qualify for a moving supplement under Section 55 (2) (e) of the EAPWDR as there was insufficient evidence given to show the appellant was in a situation where she was experiencing an imminent threat to her physical safety. As the ministry notes, the appellants request for 30 days' notice to vacate is not indicative of the appellant finding herself in imminent threat to her physical safety.

Section 55 (2) (f)(g) EAPWDR- transportation costs and living costs required to attend a hearing relating to a child protection proceeding... and transportation costs, living costs, child care costs and fees resulting from...

Panel Finding

As the appellant is a sole recipient with Persons with Disabilities (PWD) designation, no child care costs were considered in this appeal.

CONCLUSION

The panel appreciates the current situation the appellant finds herself in and the confusion that may have been caused by the complexity of the legislative documents and the apparent misleading actions of the ministry (requesting quotes for moving costs before the moving supplement was approved). However, the panel finds that the Ministry's decision in denying the appellant a moving supplement was a reasonable application of the evidence in the circumstances of the appellant and was reasonably supported by the evidence.

The panel confirms the Ministry decision and the appellant is not successful in her appeal.