

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated March 13, 2018 in which the Ministry denied the appellant a moving supplement because the request did not meet any of the necessary criteria as specified under Section 55 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR).

PART D – RELEVANT LEGISLATION

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 Designation since May 28, 2015 receiving \$758.42 for support allowance, \$375 for shelter allowance, \$205 for nutritional supplements and \$52 for a transportation supplement from which \$810.80 CPP is deducted as unearned income.

- January 1, 2018 – prior to this date the appellant paid \$520 per month rent.
- January 3, 2018 – the appellant provided a Shelter Information form stating that he had moved to another location in British Columbia and is required to pay \$375 per month for rent inclusive of utilities. The ministry notes that the new location is 427 km from his previous location.
- January 18, 2018 – the appellant requested a moving supplement to move his belongings from storage at his previous location to his brother's residence in his new location.
- February 1, 2018 – the ministry determined the appellant was not eligible for a moving supplement as he had not provided any information to confirm he was moving for one of the permitted reasons for a move within British Columbia.
- February 6, 2018 – the appellant advised that he does not have the support to help him with moving, and he moved from his previous location because his landlord was threatening to evict him, and his doctor advised if he did not move they would certify him. The ministry suggested that the appellant should obtain a doctor's note to support his statement.
- March 1, 2018 - the appellant submitted his Request for Reconsideration; however, no additional information was provided with the submission.

Notice of Appeal dated March 27, 2018, the appellant states: "See attached medical note that confirms eligibility for support." The note from the appellant's medical practitioner located at his new city of residence states in part; "Due to worsening symptoms he (the appellant) has moved to his new city in order to access the social, physical and financial support that he requires for his best opportunity to recover."

At the hearing

The appellant commenced his argument by stating that he did not understand why he was denied the moving supplement. He discussed all the mental conditions he deals with that relate to the reasons why he qualified as a Persons with Disabilities Designation and provided one document supporting his condition. He has suicidal thoughts caused by his bipolar diagnosis and does not handle stressful situations very well and suffers from anxiety. He stated that he has ankylosing spondylitis which causes severe pain and impaired movement. He further stated that after his move, his brother had kicked him out of his home and he is now basically homeless. He needs accommodations that allow him to the space to be quiet and peaceful so that he can control his anxiety and to keep his Colitis condition from flaring up. He stated that he will not stay in his current community because there is no suitable housing available and he should be able to move anywhere he wants to and he should be supported by the ministry.

The ministry representative provided a thorough explanation of the reasons the appellant was denied the moving supplement.

The panel did not admit the document presented at the hearing nor the document submitted with the Notice of Appeal as evidence as these documents were not before the ministry at reconsideration nor were they in support of the information and records in accordance with section 22(4). The panel admitted the appellant's oral testimony, which either substantiated or further explained information already before the ministry.

PART F – REASONS FOR PANEL DECISION

The issue in this appeal is whether the ministry's decision to deny the appellant a moving supplement, because the request did not meet any of the necessary criteria as specified under Section 55 EAPWDR, was a reasonable application of the legislation in the circumstances of the appellant.

Relevant Legislation:

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.

[am. B.C. Reg. 275/2004, s. 2.]

Panel Decision:

Relevant to this case is section 55 of the EAPWDR that states there are specific conditions that must be met to qualify for a supplement for moving.

The evidence is that on January 3, 2018 the appellant provided a Shelter Information form stating that he had moved over 400 km to another location in British Columbia where he is required to pay \$375 per month for rent inclusive of utilities. On January 18, 2018 the appellant requested a moving supplement to move his belongings from storage at his previous location to his brother's residence in his new location. On February 6, 2018 the appellant argues that he does not have the support to help him with moving, and he moved from his previous location because his landlord was threatening to evict him, and his doctor advised if he did not move they would certify him. At reconsideration, no additional evidence was provided by the appellant to the ministry to support these statements..

Pursuant to section 55(2) EAPWDR 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 that employment.

The panel finds that the ministry was reasonable in its conclusion under section 55(2)(a) EAPWDR that the appellant did not move to begin 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.

The panel finds that the ministry was reasonable in its conclusion under section 55(2)(b) EAPWDR that the appellant did not move to another province or country.

- 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.

The panel finds that the ministry was reasonable in its conclusion under section 55(2)(c) EAPWDR that the appellant's previous residence was not being sold, demolished or condemned and the move was not to an adjacent municipality or unincorporated area.

- 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.

The panel finds that the ministry was reasonable in its conclusion under section 55(2)(d) EAPWDR that appellant's move was not to an adjacent municipality or unincorporated area while acknowledging that the appellant's shelter costs have been reduced because of his 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.

The panel finds that the ministry was reasonable in its conclusion under section 55(2)(e) EAPWDR that it is not satisfied that the appellant was required to move from his previous location to avoid an imminent threat to his physical safety. The appellants states that his move was for medical reasons however he did not provide any evidence of support.

Pursuant to section 55(3) EAPWDR a family unit is eligible for a supplement only if a) there are not 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 panel notes that the evidence is that the appellant informed the ministry of his move on January 3, 2018 and requested a moving supplement on January 18, 2018. On February 3, 2018 the appellant advised the ministry that does not have the resources available to cover the costs of his move. The panel finds that the ministry was reasonable in its conclusion under section 55(3) EAPWDR that the appellant does not have the resources to move his belongings and has requested the minister's approval prior to incurring the costs of moving his belongings.

Pursuant to section 55(4) EAPWDR a supplement may be provided under this section only to assist with the cost of the least expensive appropriate mode of moving. The panel finds that the ministry was reasonable in its conclusion under section 55(4) EAPWDR that the appellant did not provide any estimates or indicated how he was planning to move his belongings and could not determine that his request is for the cost of the least expensive appropriate mode of moving.

The panel finds that the ministry's decision that the appellant was not eligible for a moving supplement under section 55 EAPWDR was supported by the evidence and was a reasonable application of the legislation in the circumstances of the appellant. The panel confirms the ministry's decision in accordance with section 24(1)(a) and 24(2)(a) of the Employment and Assistance Act.

The appellant is not successful on appeal.