

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry's reconsideration decision dated September 20, 2018 which held that the appellant did not meet the legislated criteria in Section 55 and 57 of the EAPWD Regulation for a crisis supplement for moving and storage fees.

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, 57

PART E – SUMMARY OF FACTS

The evidence before the Ministry at the time of reconsideration was as follows:

- The appellant is a sole recipient with Persons with Disabilities (PWD) designation
- In November 2017 she moved from [REDACTED] back to BC as she could not afford to live there after her son left her as the sole occupant of their rental accommodation and she was denied disability benefits by the [REDACTED] government
- In September 2018, she advised the ministry that she had moved to BC, having borrowed some funds to move back with basic personal items. She left the remainder of her property in [REDACTED] in storage
- The persons storing her property in [REDACTED] want to be paid \$250 for storage fees and \$350 for moving the items into their garage. They also want it removed from their property
- The appellant requested the funds to pay the storage and moving fees owed as well as the funds to rent a U-Haul, plus mileage to go and pick up her property from [REDACTED] and bring it back to BC
- Her request was denied on September 7, 2018 as the ministry held that the appellant did not meet the legislated criteria in Section 55 or Section 57 of the EAPWD Regulation for a crisis supplement for moving and storage fees
- A letter from [REDACTED] (not dated) to the appellant requesting payment for moving and storage fees
- Quotes from U-Haul and Budget Car * & Truck Rental dated August 31, 2018
- A hand written list of the appellant's belongings remaining in [REDACTED], which also states: "We are sleeping on the floor for now, I've borrowed a fry pan and a couple of pots to cook with. Also borrowed a couple of blankets and 2 pillows. It's really hard to manage without my stuff."

At the hearing, the appellant provided further clarification on her circumstances and Request for Reconsideration. She stated that:

- She wishes to move her property, which includes furnishings as well as personal items to her home in BC, stating that she doesn't have adequate clothing or bedding to keep warm in the winter and she is currently sleeping on the cold floor in her trailer
- The bill for \$250 for the storage fees and \$350 for moving the items into their garage was unexpected
- When she arrived in BC in November 2017, she lived with her ex-landlord until she could find her own accommodations and she began receiving Persons with Disabilities (PWD) benefits
- She did not have any new evidence to introduce at the hearing
- The appellant maintains that she moved to BC to improve her living circumstances

The ministry relied upon the Reconsideration Decision at the hearing. They also informed the appellant that only personal items to be moved are eligible for ministry support; furniture and household items are not eligible.

The panel makes the following findings of fact:

- The appellant moved from [REDACTED] back to BC in November 2017, at which time she stayed with a friend until she could locate her own accommodation
- She applied for and began receiving PWD benefits. According to her Notice of Appeal dated September 21, 2018, she also applied for a crisis supplement for her moving and storage costs in November 2017
- The appellant left most of her personal items and all of her furniture in [REDACTED] in storage
- She did not apply to the ministry for pre-approval of payment for her moving or storage costs
- She did not provide evidence that she has exhausted all other avenues of support to cover these costs herself

PART F – REASONS FOR PANEL DECISION

The issue before the panel is to determine the reasonableness of the Ministry's reconsideration decision dated September 20, 2018 which held that the appellant's request for re-payment of her moving and storage costs did not meet the legislated criteria in Section 55 and 57 of the EAPWD Regulation for a crisis supplement for moving and storage fees.

The legislation applicable to this appeal is as follows:

EAPWD Act: Disability assistance and supplements, section 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.

EAPWD Regulations: Supplements for moving, transportation and living cost. section 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

(l) 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.

Crisis supplement, section 57

(1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if

(a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and

(b) the minister considers that failure to meet the expense or obtain the item will result in

(i) imminent danger to the physical health of any person in the family unit, or

(ii) removal of a child under the Child, Family and Community Service Act.

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

(3) A crisis supplement may not be provided for the purpose of obtaining

(a) a supplement described in Schedule C, or

(b) any other health care goods or services.

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

(a) if for food, the maximum amount that may be provided in a calendar month is \$20 for each person in the family unit;

(b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of

(i) the family unit's actual shelter cost, and

(ii) the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit;

(c) if for clothing, the amount that may be provided must not exceed the smaller of

(i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and

(ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.

(5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).

(6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.

(7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:

- (a) fuel for heating;
- (b) fuel for cooking meals;
- (c) water;
- (d) hydro.

[am. B.C. Reg. 13/2003.]

The ministry states that to qualify for a supplement you must (a) have confirmed employment that would significantly promote financial independence and you are required to move to begin that employment, (b) moving to another province or country improve your living expenses, (c) moving within a municipality or unincorporated area or to an adjacent municipality or unincorporated area because your rental accommodation is being sold, demolished or has been condemned, (d) you are moving within a municipality or unincorporated area or to an adjacent municipality or unincorporated area and as a result of the move will significantly reduce your shelter costs or (e) you are moving to another area of British Columbia to avoid imminent threat to your physical safety. The appellant must also prove that they do not have the resources to pay for these costs.

As the appellant did not have confirmed employment to move to in BC nor did she submit evidence to suggest that a move back to BC would improve her living circumstances, shelter costs or prevent her from encountering physical harm, she does not meet legislation in Sections 55 and 57 of the EAPWD Regulations.

While she did state that she had borrowed the funds to move back to BC, the appellant has not provided sufficient information to conclude that she has exhausted all other avenues to pay for these additional moving and storage costs herself.

Conclusion

The panel finds that the ministry's reconsideration decision, which held that the appellant was not eligible for a crisis supplement for moving and storage fees because she did not meet all of the legislated criteria in section 55 and 57 of the EAPWD Regulations, is a reasonable application of the legislation in the circumstances of the appellant and is reasonably supported by the evidence. The panel confirms the ministry's reconsideration decision. The appellant is not successful on appeal.

PART G – ORDER

THE PANEL DECISION IS: (Check one)

UNANIMOUS

BY MAJORITY

THE PANEL

CONFIRMS THE MINISTRY DECISION

RESCINDS THE MINISTRY DECISION

If the ministry decision is rescinded, is the panel decision referred back to the Minister for a decision as to amount? Yes No

LEGISLATIVE AUTHORITY FOR THE DECISION:

Employment and Assistance Act

Section 24(1)(a) or Section 24(1)(b)

and

Section 24(2)(a) or Section 24(2)(b)

PART H – SIGNATURES

PR NT NAME

Jan Lingford

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2018/10/11

PR NT NAME

Mel Donhauser

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/10/11

PR NT NAME

Jeanne Byron

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/10/11