

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 January 29, 2019, which held that the appellant was entitled to \$189.33 for prorated support for November 2018 and no shelter allowance for November 2018.

The ministry determined that eligibility was effective November 14, 2018, the date the appellant submitted a monthly report requesting assistance.

The ministry determined the appellant was not entitled to any shelter allowance for November 2018, because when the appellant submitted a monthly report requesting assistance the appellant's November 2018 rent had already been paid.

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons with Disabilities Act (EAPWDA), sections 11
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), as it was prior to BC Reg 248/2018, December 1, 2018, sections 26, 33

PART E – SUMMARY OF FACTS

Information Before The Ministry at Reconsideration

1. Monthly Report, received by the ministry on November 14, 2018, in which the appellant indicated he was looking for work and that he had no income;
2. Employment and Assistance Review, signed by the appellant on November 27, 2018, indicated that his monthly rent was \$423.80 and that the appellant had \$103.64 in a bank account;
3. Receipts for rent, in the amount of \$423.80, for the months of September, October and November 2018;
4. A Savings Account History for the appellant for the month of August 2018 with an opening balance of \$2,793.24 and a closing balance of \$1,690.04;
5. A Savings Account History for the appellant for the month of September 2018 with an opening balance of \$1,490.04 and a closing balance of \$1,046.84;
6. A Savings Account History for the appellant for the month of October 2018 with an opening balance of \$946.84 and a closing balance of \$743.64; and
7. A bank record for the appellant, dated November 27, 2018, stating that his employer was the that he was Employed Full-Time as a Clerk, and showing a total balance in two accounts of \$458.69.

Information Provided on Appeal

1. The appellants Notice of Appeal, dated February 6, 2019, which did not include any additional information.

Summary of Relevant Evidence

1. It was previously determined that the appellant was eligible for income assistance and shelter allowance;
2. The appellant did not provide a monthly report requesting assistance for the months of September and October 2018;
3. The appellant did not receive income assistance or shelter allowance for the months of September and October 2018;
4. On November 1, 2018, the appellant paid for his rent for the month of November 2018;
5. The appellant was able to pay rent for November 2018 because he prioritized that expense over purchasing food or other items;
6. On November 14, 2018, the appellant submitted a monthly report requesting assistance; and
7. On January 29, 2019, the ministry determined the appellant was eligible for income assistance and determined that entitlement was effective November 14, 2018, the date the appellant submitted a monthly report requesting assistance.

PART F – REASONS FOR PANEL DECISION

Issue on Appeal

The issue on appeal is whether the ministry's decision to provide assistance for only part of November and to deny the appellant shelter allowance for November 2018 was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

Relevant Legislation

At the time of the ministry's decision, the *EAPWDR section 26(2)* stated:

Effective date of eligibility

26(2) A family unit becomes eligible

- (a) for a support allowance under sections 2 and 3 of Schedule A on the income assistance application date,
- (b) for a shelter allowance under sections 4 and 5 of Schedule A on the first day of the calendar month that includes the income assistance application date, but only for that portion of the month's shelter costs that remains unpaid on the date of that submission, and

...

Ministry Position

Because the appellant had not filed monthly reports requesting assistance for the months of September and October and the Ministry had no contact with the appellant since August, eligibility had to be re-established and the appellant's request for November processed as a new request.

Consequently, the "income assistance application date" was November 14, 2018 and that was the effective date for an entitlement to support allowance.

Additionally, the EAPWDR limits eligibility to a shelter allowance to that portion of the month's shelter costs that remain unpaid on the date of submission, in this case November 14, 2018. However, the appellant's rent was paid prior to the income assistance application and were therefore the appellant was not eligible.

Appellant Position

The appellant's submissions were that he should not be penalized by prioritizing the payment of his rent instead of other expenses. He said he would have been entitled to a shelter allowance if he had been less responsible and that it was not appropriate that he was denied shelter allowance for November 2018.

Panel Decision

The EAPWDR section 26(2)(a) states that eligibility for support allowance occurs on the income assistance application date. The panel finds that it was November 14, 2018, that the appellant applied for income assistance and consequently confirms the ministry decision to provide support allowance pro-rated to November 14, 2018.

The EAPWDR section 26(2)(a) states that eligibility for a shelter allowance is dependent on there being shelter costs that remain unpaid for the month during which an income assistance application is made. The panel finds

that the appellant had no unpaid shelter costs for the month of November 2018 on the date of he applied for income assistance. Consequently, the panel concludes that the ministry's decision to deny the appellant a shelter allowance for November 2018 was reasonably supported by the evidence and a reasonable application of the EAPWDR in the circumstances of the appellant. Consequently, the panel confirms the ministry decision that the appellant was not eligible for shelter allowance in November 2018.

Accordingly, the panel confirms the ministry's reconsideration decision.

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

PRINT NAME

Trevor Morley

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/Mar/11

PRINT NAME

Wesley Nelson

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/Mar/11

PRINT NAME

Donald Storch

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/Mar/11