

APPEAL NUMBER
2021-0108

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated May 18, 2021, which approved the appellant's request for a supplement to purchase membership shares in a cooperative association (“co-op membership shares”) under Section 48(1) of the Employment and Assistance Regulation (EAR); however, the ministry denied the appellant’s request for the amount of \$750 for a supplement to purchase co-op membership shares as the ministry found that the appellant is eligible for \$375, being the smaller of \$850 [Section 48(3)(a) of the EAR] and 50% of the cost of the membership shares [Section 48(3)(b) of the EAR].

PART D – RELEVANT LEGISLATION

Employment and Assistance Regulation (EAR), Section 48

PART E – SUMMARY OF FACTS

The evidence before the ministry at the time of the reconsideration decision consisted of the appellant's Request for Reconsideration dated May 5, 2021 in which the appellant wrote:

- The ministry initially did not understand what a co-op member share purchase was.
- Incorrect contact information was given by the ministry for the cooperative association to confirm the appellant's purchase of a co-op share.
- The cooperative association used the word "rent" just to give another term to the ministry.
- The appellant's co-op member share purchase was already paid with the help of friends and family, owed to them when the appellant receives the supplement.
- The appellant understands this is a repayable supplement and agrees to repay it.
- The appellant attached a document showing the member share costs and the invoice paid as well as the monthly housing charges for the co-op.

Additional information

In the appellant's Notice of Appeal dated May 20, 2021, the appellant expressed disagreement with the ministry's reconsideration decision and wrote:

- The ministry decided the appellant was entitled to \$375 instead of \$750 for the cost of the co-op member share purchase.
- The initial cost of the cooperative association member share purchase was \$1,500, which amount was split with the appellant's current roommate.
- Half of the co-op share that the appellant purchased was supposed to be calculated as half of \$1,500, which is \$750.
- The roommate got approved for half of the co-op share of \$750 and the appellant should be entitled to the same amount.

At the hearing, the appellant stated:

- The ministry initially denied the appellant's request for a supplement to purchase co-op membership shares because the appellant is renting, even though the appellant provided all the documents to show that this is a co-op.
- The ministry then approved the appellant's request but only for the amount of \$375 since this got "jumbled up" by the ministry as well.
- The total amount of the membership shares is \$1,500 and half of that is \$750.
- The amount to purchase the membership shares was split with the appellant's roommate.
- The appellant's roommate was approved by the ministry for a supplement of \$750.
- The ministry worker encouraged the appellant to reconsider the ministry decision about the amount.
- The appellant and the roommate split the amount of the membership shares and they split the amount of the rent "50-50."
- The appellant understood that there was entitlement to 50% of the total cost of the co-op membership shares, which would be \$750.

The ministry relied on its reconsideration decision as summarized at the hearing. At the hearing, the ministry also clarified:

- The ministry does not usually consider the supplement for the purchase of co-op membership shares in a situation where the client is renting; however, the ministry is also committed to helping people find safe and affordable housing and wants to ensure a client is not homeless.
- Since the appellant has a roommate, the total cost of the co-op membership shares is split between them, or \$750 each; 50% of the appellant's share of \$750 is \$375, which is smaller than \$850.
- The ministry does not have information available regarding the ministry's decision about the eligibility of the appellant's roommate for the supplement to purchase co-op membership shares.

The panel considered that there was no additional information for which a determination of admissibility was required under Section 22(4)(b) of the *Employment and Assistance Act*.

PART F – REASONS FOR PANEL DECISION

The issue on the appeal is whether the ministry's decision, which denied the appellant's request for the amount of \$750 for a supplement to purchase co-op membership shares as the ministry found that the appellant is eligible for \$375, being the smaller of \$850 [Section 48(3)(a) of the EAR] and 50% of the cost of the membership shares [Section 48(3)(b) of the EAR], was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

Section 48 of the EAR sets out the eligibility requirements for providing the purchase of co-op housing shares, as follows:

Supplement for purchase of co-op housing shares

- 48 (1) To enable the family unit of a recipient of income assistance to obtain residential accommodation, the minister may provide a lump sum to or for the family unit for the purchase of membership shares in a cooperative association.
- (2) A lump sum may be paid under subsection (1) only if
- (a) the family unit has received income assistance or disability assistance for at least the 3 previous calendar months, and
 - (b) the recipient agrees in writing to repay the lump sum.
- (3) The amount of the lump sum under subsection (1) is limited to the smaller of the following:
- (a) \$850;
 - (b) 50% of the cost of the membership shares. . . .

Ministry's position

The ministry wrote in the reconsideration decision that the provisions of Section 48 of the EAR allow for the ministry to provide a lump sum to the family unit for the purchase of co-op membership shares for the recipient of income assistance to obtain residential accommodation, and the lump sum is limited to the smaller of \$850 or 50% of the cost of the membership shares. The ministry wrote that the appellant met the requirements of Section 48 as the appellant has been a recipient of income assistance for at least the previous 3 calendar months and the appellant requires a lump sum to purchase membership shares in a cooperative association in order to obtain residential accommodation. The appellant is, therefore, eligible for the supplement. The ministry wrote further that the appellant is eligible for the amount of \$375 for a supplement to purchase co-op membership shares since the cost of the appellant's portion of the membership shares is \$750, and 50% of the cost of the membership shares is \$375.

Appellant's position

In the Request for Reconsideration, the appellant wrote that the initial cost of the cooperative association member share purchase was \$1,500, which amount was split with the appellant's current roommate. The appellant wrote that half of the co-op shares that the appellant

purchased was supposed to be calculated as half of \$1,500, which is \$750. The appellant wrote that the roommate got approved by the ministry for half of the co-op share of \$750 and the appellant should be entitled to the same amount.

Panel decision

Section 48(1) of the EAR says that the ministry may provide a lump sum for the purchase of membership shares in a cooperative association to enable the family unit of a recipient of income assistance to obtain residential accommodation, and the amount of the lump sum is limited to the smaller of \$850 and 50% of the cost of the membership shares. Although the ministry found that the appellant is eligible for the supplement, the ministry determined that the appellant is eligible for the amount of \$375 since the cost of the appellant's portion of the membership shares is \$750 and, therefore, 50% of the cost of the membership shares is \$375. The appellant argued that the total cost of the membership shares is \$1,500 and, therefore, 50% of the cost is \$750, and this is the amount for which the appellant's roommate was found to be eligible.

In the Notice of Appeal, the appellant wrote that the initial cost of the cooperative association member share purchase was \$1,500 and the amount was split with the appellant's current roommate. At the hearing, appellant acknowledged that the total amount of the co-op membership shares was divided evenly with the appellant's roommate and that they also split the rent "50-50." Therefore, the panel finds that the appellant's cost for the co-op membership shares was \$750. The ministry stated at the hearing that there is no information available about the eligibility of the appellant's roommate for the supplement to purchase co-op membership shares, but as the appellant and the appellant's roommate split the cost equally, the cost for the co-op membership shares for the roommate would also be \$750.

Under Section 48(3) of the EAR, the amount of the lump sum for the purchase of the co-op membership is limited to the smaller of \$850 and 50% of the cost of the membership shares. As 50% of \$750, as the appellant's cost for the membership shares, is \$375, the panel finds that the ministry reasonably concluded that the appellant is eligible for \$375, being the smaller of \$850 [Section 48(3)(a) of the EAR] and 50% of the cost of the membership shares [Section 48(3)(b) of the EAR].

Conclusion

The panel finds that the ministry's reconsideration decision, which denied the appellant's request for the amount of \$750 for a supplement to purchase co-op membership shares as the ministry found that the appellant is eligible for \$375, being the smaller of \$850 [Section 48(3)(a) of the EAR] and 50% of the cost of the membership shares [Section 48(3)(b) of the EAR], was reasonably supported by the evidence and the panel confirms the ministry's decision. Therefore, the appellant's appeal is not successful.

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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

S. Walters

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2021-06-07

PRINT NAME

Arshdeep Dhaliwal

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2021-06-07

PRINT NAME

Kulwant Bal

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2021-06-07