

APPEAL NUMBER
2021-0206

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "Ministry") decision of Oct 26, 2021, in which the Ministry denied the Appellant a bus pass due to the Appellant not meeting all legislative criteria, pursuant to Section 66 (1) & (2) of the *Employment and Assistance Regulation*.

PART D – RELEVANT LEGISLATION

EAR – *Employment Assistance Regulation*, Section 66 (1) & (2)

PART E – SUMMARY OF FACTS

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

- 1) The Appellant is not in receipt of income assistance.
- 2) The Appellant is 66 years old.
- 3) The Appellant had been receiving the bus pass in the past, however on September 24, 2021, the Appellant was notified that they did not meet the criteria for a bus pass and therefore were ineligible.
- 4) **October 7, 2021** – The Appellant had submitted a Request for Reconsideration in which they indicated they are a senior with a disability and on a strict budget. They do not own a vehicle and have a need to get out to stay mentally healthy and have attempted to start their own business and require transportation.

PART F – REASONS FOR PANEL DECISION

The decision under appeal is the reasonableness of the Ministry of Social Development and Poverty Reduction's (the "Ministry") decision of Oct 26, 2021, in which the Ministry denied the Appellant a bus pass due to the Appellant not meeting all legislative criteria, pursuant to Section 66(1) & (2) of the *Employment and Assistance Regulation*.

Legislation

EMPLOYMENT AND ASSISTANCE ACT (EAA)

1 (1) In this Act: "applicant" means the person in a family unit who applies under this Act for income assistance, hardship assistance or a supplement on behalf of the family unit, and includes (a) the person's spouse, if the spouse is a dependant, and

(b) the person's adult dependants; "family unit" means an applicant or a recipient and his or her dependants; "income assistance" means an amount for shelter and support provided under section 4 [income assistance and supplements]; Income assistance and supplements 4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

EMPLOYMENT AND ASSISTANCE REGULATION (EAR)

Bus pass supplement 66 (1)

The minister may provide a supplement to or for a family unit, other than the family unit of a recipient of disability assistance, that contributes \$45 to the cost, to provide an annual pass for the personal use of a person in the family unit who (a) receives the federal spouse's allowance or federal guaranteed income supplement, (b) is 60 or more years of age and receives income assistance under section 2 [monthly support allowance], 4 [monthly shelter allowance], 6 [people receiving room and board] or 9 [people in emergency shelters and transition houses] of Schedule A, or (c) is 65 years of age or more and meets all of the eligibility requirements for the federal guaranteed income supplement except the 10 year residency requirement.

(2) In this section, "annual pass" means an annual pass to use a public passenger transportation system in a transit service area established under section 25 of the British Columbia Transit Act or in a transportation service region, as defined in the South Coast British Columbia Transportation Authority Act.

Panel Decision

The Ministry's position is that the Appellant does not qualify for a bus pass due to the Appellant not being in receipt of the federal Guaranteed Income Supplement (GIS), as is required and outlined in section

66(1)(a) of the EAR. The Ministry submits that according to Service Canada records, the Appellant has not received the GIS since June of 2021.

The Appellant's position, as was outlined at the hearing, is that they have a need for transportation, and not having the bus pass creates both a financial challenge, as well as adds physical and mental strain on the Appellant. The Appellant acknowledged that the income for the previous year was \$5,000.00 over the threshold in order to be eligible for the GIS, and they had not been in receipt of the GIS since June, 2021.

As outlined in Section 66 (1) of the EAR the minister may provide a supplement to or for a family unit, other than the family unit of a recipient of disability assistance, that contributes \$45 to the cost, to provide an annual pass for the personal use of a person in the family unit who **(a) receives the federal spouse's allowance or federal guaranteed income supplement**, (b) is 60 or more years of age and receives income assistance under section 2 [monthly support allowance], 4 [monthly shelter allowance], 6 [people receiving room and board] or 9 [people in emergency shelters and transition houses] of Schedule A, or (c) is 65 years of age or more and meets all of the eligibility requirements for the federal guaranteed income supplement except the 10 year residency requirement.

The panel considered that the Appellant confirmed that they had not been in receipt of the GIS since the month of June 2021 and takes this information as fact.

The panel considered that the Ministry had no discretion in this matter, and the decision to deny the Appellant the bus pass was a reasonable application of the legislation in the circumstances of the Appellant. The panel also considered that the Ministry did provide that if the Appellant's circumstances were to change for the following year (receiving GIS), that they could reapply for the bus pass at that time.

The panel finds that the Ministry was reasonable in its determination to find the Appellant ineligible for the bus pass, pursuant to *Section 66(1) of the Employment and Assistance Regulation*.

Accordingly, the panel confirms the Ministry's decision, and the Appellant is unsuccessful in this appeal, pursuant to *Section 24(1)(b) and (2)(a) of the Employment and Assistance Act*.

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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

Jennifer Armstrong

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

21/11/17

PRINT NAME

Jeremy Scott

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

21/11/20

PRINT NAME

Glenn Prior

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

21/11/20