

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (Ministry) reconsideration decision dated October 27, 2021, which held that the appellant was not eligible for a bus pass supplement pursuant to Section 66(1) of the *Employment and Assistance Regulation* (EAR).

The ministry determined that the appellant is not eligible for a bus pass supplement because she does not receive income assistance, GIS (guaranteed income supplement), the federal spousal allowance or federal allowance for survivor.

Part D – Relevant Legislation

Employment and Assistance Act (EAA), section 4.

Employment and Assistance Regulation (EAR), section 66(1).

Part E – Summary of Facts***Evidence at Reconsideration***

- Screen shot from Service Canada which indicated that the appellant has not been eligible for GIS since July 2021.
- Request for Reconsideration, signed October 6, 2021, in which the appellant stated:
 1. Her brother passed away in July 2020 and she received a \$2500.00 death benefit.
 2. The \$2500.00 helped pay for the funeral costs.
 3. As a result, her GIS was cancelled for 2021.
 4. She does not drive, have a cell phone or laptop. She relies on the bus pass or walks.
 5. She is on a budget and pays for the bus pass when the statement comes in.

Evidence on Appeal

The Notice of Appeal (NOA), dated November 6, 2021, was submitted by the appellant which stated:

- “I rely on the bus, since I’ve never driven. That’s my only way I get around, besides walking.”
- “People all time get on free, but I’m willing to pay for bus pass.”

Evidence at the Hearing

At the hearing, the appellant stated, in part, the following:

- The bus pass is a life-line as she walks or takes the bus. She relies on the bus system.
- Others get on the bus without paying or paying in full and she is willing to pay for the bus pass.
- The \$2500 death benefit she received was to cover funeral costs for her sibling but it cancelled her GIS.
- The death benefit came from Canada Pension plan and was a cheque payable to the appellant.
- The appellant is certain that it is the death benefit that cancelled her GIS and she also received a letter from Canada Pension plan that indicated that her GIS was cancelled until July 2022.
- The appellant had no other income that may have affected her eligibility such as CERB and has no spousal allowance.

The ministry representative did not attend the hearing but came to the hearing after. Unfortunately, the hearing had finished and the appellant had left. The panel informed the ministry representative of this and did not have any further discussions with the ministry representative.

Part F – Reasons for Panel Decision

The issue at appeal is whether the Ministry's reconsideration decision which held that the appellant was not eligible for a bus pass supplement pursuant to Section 66 of the EAR was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

The Applicant's Position

The appellant argued that the change in her income occurred because she claimed a death benefit when her brother passed away. She argued that this money helped pay for the funeral expenses and that the change in GIS is due to this. She also argued that she does not drive and relies on the bus or walking and is willing to pay for fee for the bus pass.

The Ministry's Position

The ministry argued that the appellant is not eligible for the 2022 BC Bus Pass Program under the EAA and regulations because she is over 60 years of age and is not in receipt of income assistance, the federal spousal allowance or federal allowance for the survivor. Per Service Canada, the appellant is also not in receipt of GIS since June 2021. The ministry also stated that it is satisfied that the appellant already met the 10-year residency requirement for GIS.

The Panel's Decision

Section 66(1) prescribes that in order to be eligible for a bus pass supplement, the recipient must meet one of 3 requirements. It has been established, that the appellant does not receive federal spouse's allowance or GIS since July 2021. Therefore, she does not meet the requirements of section 66(1)(a). It has also been established that the appellant is not in receipt of income assistance and therefore does not meet the requirements of section 66(1)(b). Section 66(1)(c) prescribes that in order to be eligible for a bus pass supplement the recipient must meet the requirements of GIS except the 10-year residency requirement. This is not a consideration for this appellant and the appellant does not dispute or argue this.

The appellant stated that her GIS was cancelled because she received a death benefit of \$2500.00 from Canada Pension plan and has a letter confirming this. The appellant confirmed that the \$2500.00 was paid out to her name by cheque. The evidence demonstrates that the appellant's GIS was cancelled as a result of an increase in her income in 2021 and therefore she does not meet any of the criteria prescribed in Section 66(1) of the EAR.

Since the appellant does not meet any of the eligibility requirements for section 66(1), the panel finds that the ministry was reasonable in its decision to deny the appellant a bus pass supplement.

Conclusion

The panel finds that the ministry reasonably concluded that the evidence establishes the criteria set out in Section 66(1) of the EAR have not been met. The panel therefore finds that the ministry's decision to deny the appellant's request for a bus pass supplement was a reasonable

application of the legislation and was supported by the evidence. The panel confirms the ministry's reconsideration decision. The appellant is not successful at appeal.

The Relevant Legislation

Section 4 of the EAA sets out the following:

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.

Section 66 of the EAR sets out the following:

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*.

2021-0219

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)

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

Part H – Signatures

Print Name

Neena Keram

Signature of Chair

Date (Year/Month/Day)

2021/12/06

Print Name

Kulwant Bal

Signature of Member

Date (Year/Month/Day)

2021/12/06

Print Name

John Pickford

Signature of Member

Date (Year/Month/Day)

2021/12/08