

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (Ministry) reconsideration decision dated December 8, 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 the federal Guaranteed Income Supplement (GIS).

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***

- Request for Reconsideration signed November 17, 2021, which was left blank.

Evidence on Appeal

The Notice of Appeal (NOA), dated December 29, 2021, was submitted by the appellant which was left blank.

Evidence at the Hearing

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

- She has a [REDACTED] year-old dependent son who is disabled and unable to work. She has been supporting her son for 3 years now and he only started getting income assistance in the last 2-3 months
- She has health problems, is a widow, is 68 years old, and is not able to do physical work any longer.
- She is not computer literate.
- She cannot afford a car.
- As a result of these things, she is unable to afford a bus pass.
- She received GIS in 2019.
- She received federal covid related benefits in 2020.

At the hearing, the ministry relied on its reconsideration decision.

Finding of Fact

- The appellant is 68 years old and is not a recipient of income assistance.
- The appellant receives Old Age Security (OAS).

Admission of Additional Information.

A panel may consider evidence that is not part of the record as the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

In this case, the panel determined that the appellant's reference to her [REDACTED] year-old dependent son, her health issues, her inability to do physical work and being computer illiterate are admissible because the information allows for full, and fair disclose of all matters related to the issue on appeal. Though this information gives the panel a better understanding of the appellant's overall circumstances, it is not directly related to this appeal. Therefore, the panel has placed little weight on this part of the appellant's testimony.

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 because she supports her adult disabled son, she relies on the bus for transportation and cannot afford to purchase a bus pass at full fare.

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 per Service Canada, the appellant is not in receipt of GIS since June 2021.

The Panel's Decision

Section 66(1) prescribes that to be eligible for a bus pass supplement, the recipient must meet one of 3 requirements. There is no evidence that the appellant receives the federal spousal allowance. The evidence provided by Service Canada indicates that the appellant has not received GIS since June 2021. Therefore, she does not meet the requirements of section 66(1)(a). The appellant indicated that she received federal covid-related benefits that were above and beyond her regular benefits such as OAS and GIS. The panel notes that this may have increased her income to a point where she no longer qualified for GIS.

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 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 as such.

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*.

2021-0254

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)

2022/01/21

Print Name

Cynthia Agbozo

Signature of Member

Date (Year/Month/Day)

2022/01/21

Print Name

Dawn Wattie

Signature of Member

Date (Year/Month/Day)

2022/01/21