

Appeal Number 2022-0030

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision (“RD”) made February 1, 2022, which held that the appellant was not eligible to receive the Bus Pass Supplement because the appellant did not meet the criteria in section 66 of the Employment and Assistance Regulation (“EAR”).

**Part D – Relevant Legislation**

Employment and Assistance Regulation Section 66(1)

**The relevant legislation is provided in the Appendix**

## **Part E – Summary of Facts**

With the consent of both parties, the hearing was conducted as a written hearing, pursuant to section 22(3)(b) of the Employment and Assistance Act.

### **Information before the Ministry at the time of reconsideration was:**

- A Bus Pass Program form dated December 14, 2021, that indicates the appellant is ineligible for renewal of a bus pass, based on tax year 2020.
- A Request for Reconsideration (RFR) form signed by the appellant on January 12, 2022 writing that the reasons for requesting a reconsideration are:
  - He has very limited income: CPP \$148.63; OAS \$460.56 for total of \$619.19 per month.
  - It is very hard to cover all his expenses with this income and the BC Bus Pass Program makes a big difference in the quality of his life.
- A copy of a bank statement for November 2021 confirming the CPP and OAS deposits.

The RD indicated the appellant did not meet the criteria of section 66 of the EAR and wrote the following reasons for denying a bus pass to the appellant:

- The appellant is 65 years of age and previously received the Bus Pass Supplement.
- The appellant is in receipt of Old Age Security (OAS) and Canada Pension Plan (CPP), however has not received the Guaranteed Income Supplement (GIS) since June 2021 therefore does not meet the criteria to receive a Bus Pass Supplement.

### **Additional Information**

With the Notice of Appeal (NOA) form dated February 9, 2022, the appellant included a copy of what he had written on his RFR form.

The appellant did not provide a written submission.

The ministry's submission is the reconsideration summary provided in the Record of Ministry Decision.

### **Admissibility of Additional Information**

The panel admits the appellant's NOA under section 22(4) of the Employment and Assistance Act, which allows for the admission of evidence reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

## **Part F – Reasons for Panel Decision**

The issue on appeal is whether denying the appellant the Bus Pass Supplement because he did not meet the criteria in section 66 of the EAR was reasonably supported by the evidence or is a reasonable application of the legislation in the appellant's circumstances.

The appellant's position is that it is very hard to cover all his expenses because the only income he has is from OAS and CPP, which is \$619.19 per month and the Bus Pass Program makes a big difference in his quality of life.

The Ministry's position is that the appellant is not entitled to a Bus Pass Supplement because he does not receive the federal Spouse's Allowance or GIS, does not receive income assistance (IA) and although he is 65 years of age and has lived in Canada for more than ten years, he does not meet the eligibility criteria for GIS because of his 2020 income.

### **Panel Decision**

To be eligible for a Bus Pass Supplement, an applicant must receive a federal spouse's allowance, be over 60 and receiving IA, or be at least 65 years of age and meet the federal GIS requirements except for the 10-year residency requirement, [EAR Section 66(1) (a), (b) & (c)].

There is no evidence the appellant receives a federal spouse's allowance.

The appellant, who is over 60, does not receive IA, however, the ministry, in the RD, indicated that low-income seniors may receive a top-up from IA to the maximum assistance rate for their family unit.

The Bus Pass Program policy also authorizes the ministry to provide the supplement to people who have Persons with Disabilities designation or receive assistance while living on reserve. None of these situations are relevant in the appellant's circumstances.

The appellant is 65 years of age, has lived in Canada for over 10 years and previously qualified for the GIS, however his 2020 income made him ineligible for the GIS for the current year, which ends in June 2022.

At least one of the criteria of section 66(1) must be met for an applicant to be eligible for the Bus Pass Supplement and the Ministry has no discretion under the legislation to provide a Bus Pass Supplement on the basis of financial need. Therefore, the panel finds the ministry was reasonable to determine the appellant is not eligible for a Bus Pass Supplement.

### **Conclusion**

The Panel finds the Ministry's decision that the appellant is not eligible for a Bus Pass Supplement was reasonably supported by the evidence and was a reasonable application of the legislation. Therefore, the Ministry's decision is confirmed. The appellant is not successful in his appeal.

**APPENDIX  
LEGISLATION**

**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.

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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)

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

**Part H – Signatures**

Print Name

Janet Ward

Signature of Chair

Date (Year/Month/Day)

2022 March 11

Print Name

Linda Pierre

Signature of Member

Date (Year/Month/Day)

2022 March 11

Print Name

John Pickford

Signature of Member

Date (Year/Month/Day)

2022 March 11