

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated August 2, 2022, which determined that the appellant was not eligible for a moving supplement of \$600, as per sections 4 of the *Employment and Assistance Act* and section 57 of the Employment and Assistance Regulation.

Specifically, the ministry determined the appellant was not eligible for a moving supplement because he did not obtain prior approval before incurring the moving costs and did not demonstrate exceptional circumstances, as required under section 57(3)(b) and (3.1) of the EAR.

Part D – Relevant Legislation

Employment and Assistance Act (EAA), section 4

Employment and Assistance Regulation (EAR), section 57

Part E – Summary of Facts**Relevant Evidence Before the Minister at Reconsideration****Ministry records**

- The appellant and his spouse receive income assistance as a two-parent family with five children.
- Prior to May 1, 2022 the appellant resided at Address A.
- On May 13, 2022 the appellant requested a moving supplement and provided a residential tenancy agreement, signed by his spouse, showing the family moved to Address B on May 1, 2022. The appellant advised he was not sure how much money he was asking for.
- The appellant stated they had to leave Address A because the landlord asked them to, so their family from India could move in.
- On May 30, 2022 the appellant advised the ministry he spent \$600 for three people to help move. He paid them cash and asked the ministry to reimburse him.

Request for Reconsideration (June 13, 2022)

The appellant states he is requesting reconsideration for his moving expenses. His friends helped him move and he paid them cash for individual expenses. He can provide contact information if necessary. The appellant is asking for reconsideration as his family is in desperate need of this money.

Additional InformationAppellant**Notice of Appeal (August 11, 2022)**

The appellant states the reason for his appeal is that inflation is affecting the ability to provide food for his children on a daily basis and with school starting soon they will need funds to purchase school supplies for their children.

At the hearing, the appellant's representative stated that because of the move they are having difficulty paying for food and other items. In addition, they borrowed \$1500 from friends for the security deposit. The appellant's representative stated that the appellant received verbal notification, from their previous landlord, that they had to move, at the beginning of April and written notification at the end of April 2022. The appellant didn't know the ministry would help with moving expenses. They found out later from the appellant's spouse's classmate.

At the hearing the ministry stated that it was the appellant's responsibility to contact the ministry if there was a change in residency. A question on the monthly reports, asks if shelter arrangement have changed. In April 2022, the appellant did not advise the ministry of the change. As well, the ministry stated that it did pay the security deposit and provided "start-up" funds to the appellant in August 2022 to assist with school fees.

The panel finds the additional information to be argument.

Part F – Reasons for Panel Decision

The issue on appeal is whether the ministry's reconsideration decision that determined the appellant was not eligible for a moving supplement of \$600, as per section 4 of the EAA and section 57 of the EAR, was reasonably supported by the evidence or a reasonable application of the legislation in the circumstances of the appellant.

Specifically, did the ministry reasonably determine that the appellant was not eligible for a moving supplement because he did not obtain prior approval before incurring the moving costs and did not demonstrate exceptional circumstances, as required under section 57(3)(b) and (3.1) of the EAR?

The ministry previously determined that the appellant was compelled to vacate Address A in accordance with Section 57(2)(c) of the EAR. At the hearing, the ministry clarified that although it determined that resources were available, it did not rely on section 57(3)(a) in its decision.

Relevant sections of the legislation can be found in the Schedule of Legislation at the end of this decision.

Appellant Argument

The appellant argues that he is in desperate need of the \$600 he paid his friends to help his family move. Inflation is affecting the ability to provide food for their children on a daily basis and with school starting soon they will need funds to purchase school supplies for their children.

Ministry Argument

The ministry argues that as the appellant and his family moved into their new residence on May 1, 2022 and did not ask for the ministry's help until May 13, 2022, this means the appellant did not obtain the ministry's prior approval before incurring moving costs.

In addition, as the appellant has not provided any information as to why he did not ask for the ministry's help prior to incurring the costs, the ministry is unable to establish that exceptional circumstances existed.

The ministry argues that as the request does not meet sections 57(3)(b) or (3.1) of the EAR it is unable to provide a moving supplement of \$600 to reimburse the appellant for moving costs.

Panel AnalysisSection 4, EAA - supplements eligibility

Section 4 states, subject to the regulations, the minister may provide a supplement for a family unit that is eligible for it.

Section 57, EAR – criteria for moving expenses

Section 57(3) states a family unit is eligible for a supplement only if a recipient in the family receives the minister's approval before incurring those costs. However, a supplement may be provided even if the

family unit did not receive the minister's approval before incurring the costs if the minister is satisfied that exceptional circumstances exist.

The panel notes ministry records show on May 13, 2022, the appellant requested a moving supplement and provided a residential tenancy agreement showing the family moved to Address B on May 1, 2022. Ministry records show the appellant advised the ministry he spent \$600 for three people to help move. The panel finds this evidence demonstrates that the appellant did not receive prior approval from the ministry prior to incurring moving costs.

At the hearing, the appellant stated that he did not seek prior approval from the ministry for incurring moving costs because he didn't know the ministry would provide a moving supplement. The panel finds "not knowing" cannot be considered as exceptional circumstances.

Therefore, the panel finds the ministry reasonably determined the appellant was not eligible for a moving supplement as per section 57(3)(b) and (3.1) of the EAR.

Conclusion

In conclusion, the panel finds the ministry decision which determined the appellant was not eligible for a moving cost supplement as per section 4 of the EAR and section 57 of the EAR was reasonably supported by the evidence. The appellant is not successful on appeal.

Schedule of Legislation

Employment and Assistance Act (EAA), section 4

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), section 57

Supplements for moving, transportation and living costs

57

...

(2) Subject to subsections (3) and (4), the minister may provide a supplement to or for a family unit that is eligible for income assistance or hardship assistance to assist with one or more of the following:

- (a) moving costs required to move anywhere in Canada, if a recipient in the family unit is not working but has arranged confirmed employment that would significantly promote the financial independence of the family unit and the recipient is required to move to begin that employment;
- (b) moving costs required to move to another province or country, if the family unit is required to move to improve its living circumstances;
- (c) moving costs required to move anywhere in British Columbia because the family unit is being compelled to vacate the family unit's rented residential accommodation for any reason, including the following:
 - (i) the accommodation is being sold;
 - (ii) the accommodation is being demolished;
 - (iii) the accommodation has been condemned;
- (d) moving costs required to move anywhere in British Columbia if the family unit's shelter costs would be significantly reduced as a result of the move;
- (e) moving costs required to move anywhere in British Columbia to avoid an imminent threat to the physical safety of any person in the family unit;

...

(3) A family unit is eligible for a supplement under this section only if

- (a) there are no resources available to the family unit to cover the costs for which the supplement may be provided, and
- (b) subject to subsection (3.1), a recipient in the family unit receives the minister's approval before incurring those costs.

(3.1) A supplement may be provided even if the family unit did not receive the minister's approval before incurring the costs if the minister is satisfied that exceptional circumstances exist.

...

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
Connie Simonsen

Signature of Chair

Date (Year/Month/Day)
2022/09/01

Print Name
Patrick Cooper

Signature of Member

Date (Year/Month/Day)
2022/09/01

Print Name
Kevin Ash

Signature of Member

Date (Year/Month/Day)
2022/09/01