

### Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “ministry”) reconsideration decision dated September 2, 2022 denying the appellant’s request for a supplement for outstanding storage fees. The ministry found that the appellant has not met the legislated criteria set out in section 55 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR).

The ministry was satisfied that the appellant was moving within BC because he was evicted and compelled to vacate his rental accommodation. The ministry also found that \$168 per month for a 20’ container is an appropriate cost for storage and that the appellant does not have the funds to pay for the outstanding storage fees.

However, the ministry determined that

- it was not necessary to preserve the appellant’s personal effects by storing them as part of a move; and
- the appellant moved his personal effects into storage without the ministry’s prior approval before incurring any storage fee costs, and that at the time of the move there were no exceptional circumstances that prevented the appellant from asking for the ministry’s assistance with paying for storage fees.

### Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA) section 5  
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 55

**Part E – Summary of Facts**

From the ministry file:

- The appellant is a sole recipient of disability assistance.
- On October 26, 2021 the ministry noted the property manager for the appellant's previous accommodation returned the appellant's rent cheque for November advising the appellant would no longer be residing at the unit after October 31, 2021.
- On November 1, 2021 the appellant advised he was able to stay at his residence until the end of the month because he had filed a grievance. The ministry requested he provide information to indicate where he was paying rent for November.
- On December 1, 2021 the appellant submitted a shelter information form indicating he had secured his current accommodation beginning December 1, 2022.
- On January 26, 2022 the appellant requested a crisis supplement for food because he lost all his belongings due to his move and he used all his funds to purchase household items to cook his food. The appellant received a crisis supplement for food
- On February 22, 2022 the appellant advised he would be looking for new accommodation and he was unsure if he would be moving March or April, because he was no longer able to use the stairs.
- On March 14, 2022 the appellant advised he was still living at the same address and required a pet deposit.
- On June 3, 2022 the appellant requested a crisis supplement for clothing. He advised he had clothing in storage, however the owner of the storage unit had taken control over his unit claiming the appellant owed him money. As a result the appellant was unable to access his clothing. He received a crisis supplement to purchase clothing.
- On June 13, 2022 the appellant advised when he had lost his apartment he put all his belongings into a storage box which he was renting each month. He further advised he was in the process of moving in November/December when he fell ill and ended up in hospital with 12 weeks post surgery. His current accommodation was too small for his personal items. The ministry noted it may be possible to move his items out of storage, but the ministry would not pay for ongoing storage of his personal items. He advised he was looking for lower income housing.
- On July 13, 2022 the appellant submitted an invoice from a storage company dated June 6, 2022 indicating the rental of a 20' container for the period of November 4 to July 3, 2022 with a total amount owing of \$1501.50. The appellant further submitted another invoice from the same company dated July 4, 2022 for rental of a 20' storage container from July 4 to August 3, 2022 in the amount of \$168.00.
- The appellant's current address has remained the same since December 1, 2022.

In his Request for Reconsideration dated August 22, 2022 the appellant stated that his previous residence "was sold so new owner evicted all mental health and welfare so he could double the rent. After finding a new place, it had COVID lockdown as positive cases. Had to rent storage container as

had no place to live. So then had heart problems and needed open heart surgery. 4 months in hospital, found the 1 room unit February 2022 for \$1100. Not much would fit where I'm living. I had no one to help me. Now I'm going to lose all my worldly possessions. I've asked everyone I know for help. My deceased wife's stuff is in there. I'm 61 years old I've just had a pig's valve put on my heart. Everything I own is in container. I wasn't even aware I could ask for Welfare's help. After having open heart surgery, was hospitalized for heart infection then got pneumonia. I pay 1000 for rent, 100 for cable and phone, I'm slowly readapting to my major life changes I had to make. So I have no friends or family to ask for help. I don't want to lose my Gramps stuff from World War II, my deceased wife's and grandchild."

The appellant's shelter Information dated October 18, 2021 shows a rental start of December 1, 2021 at his current address.

In his Notice of Appeal dated August 13, 2022 the appellant writes: "Because I had Open Heart Surgery, unaware I could ask Welfare help. Not the same as mentally side effect from surgery. I live in What ... [illegible] storage room now."

At the hearing the appellant's witness repeated information the appellant had previously given and stated the following: The witness is also the appellant's fiancée. He had used the same storage company before, and the fiancée had arranged for the storage box and helped the appellant to move his belongings into storage. The appellant and his fiancée thought the ministry would pay the storage fees. When the appellant tried to move in there was a sign on the door that said "Outbreak of COVID" and as a result he could not move in. He moved into a friend's shop instead and eventually found the one room accommodation he currently rents. He should have stayed in the hospital for 3 months but left the hospital refusing treatment. The church donated some furniture to him. He is slowly getting back on his feet and his mind is getting clearer.

The appellant repeated information he had previously given and added that his heart operation was in February or March 2022. He got COVID in the hospital. He stated he moved into his current residence in January 2022. He has to live in a one-room apartment which is too small for him. He became a client of the ministry approximately 20 years ago. His current address is still the same as indicated on the shelter information with a rental start of December 1, 2022. He may have to find cheaper housing.

The ministry did not attend the hearing.

#### Admissibility of New Information

The panel finds that the new information provided by the appellant and the witness is reasonably required for a full and fair disclosure of all matters related to the decision under appeal because this information relates to the appellant's request for a storage supplement. The panel therefore admits this information as evidence pursuant to section 22(4) of the Employment and Assistance Act.

**Part F – Reasons for Panel Decision**

The issue in this appeal is whether the ministry reconsideration decision denying the appellant's request for a supplement for outstanding storage fees was a reasonable application of the legislation or reasonably supported by the evidence. Specifically, did the ministry reasonably determine that

- it was not necessary to preserve the appellant's personal effects by storing them as part of a move; and
- the appellant moved his personal effects into storage without the ministry's prior approval before incurring any storage fee costs, and that at the time of the move there were no exceptional circumstances that prevented the appellant from asking for the ministry's assistance with paying for storage fees.

According to section 55(1)(b) of the EAPWDR the ministry may provide a supplement for storing of a client's personal effects during a move if the ministry is satisfied that storing is necessary to preserve the client's personal effects. Sections 55(3)(b) and (3.1) set out that a client is only eligible for this kind of supplement if they receive the ministry's approval before incurring those costs. Even if the client did not receive the ministry's approval before incurring the costs, they may be eligible for this supplement if the ministry is satisfied that exceptional circumstances exist.

**Appellant's Position**

The appellant argues the ministry should pay his storage fees because he was evicted and had to move. As part of the move, he had to rent a storage container. In December he could not move into the apartment he had found because the manager would not allow it due to COVID cases. Everything he owns is in the container and he does not want to lose family mementos. He was not aware of the time of his move that he could ask the ministry for help with storage fees.

**Ministry Position**

As noted above, the ministry did not attend the hearing. In its reconsideration decision the ministry found the appellant moved his personal effects into storage on his own and incurred storage fees without the ministry's prior approval. The ministry was also not satisfied that at the time of his move there were exceptional circumstances that prevented the appellant from asking for the ministry's assistance with paying storage fees. Further, the ministry was not satisfied it was necessary to preserve the appellant's personal effects by storing them as part of a move. The appellant stated his accommodation is too small for all his possessions but has not indicated he requires anything from storage except for clothing for which he received a crisis supplement. He also received a crisis supplement for food because he had to purchase kitchen equipment that had been lost during the move. The ministry was also not satisfied that the appellant's storing of his effects is part of a move. He moved out of his previous accommodation in November 2021, moved into his current accommodation in December 2021, and there is no indication he is moving again now.

**Panel Decision**

The panel finds that the ministry was not reasonable when it determined that it was not necessary for the appellant to preserve his personal effects by storing them as part of a move. The ministry's reconsideration decision is solely about "outstanding storage fees" and does not differentiate between initial and continuing storage costs. The ministry failed to address the necessity of initial storage fees to

move the items into storage and to preserve them when the appellant was confronted with a situation in which he could not move into his planned rental accommodation due to a Covid outbreak.

However, the panel finds the ministry reasonably determined that the appellant was not eligible for a supplement for storage fees because he did not meet the eligibility criteria of section 55(3)(b) and 55(3.1). While the appellant argues he did not know he had to inform the ministry prior to moving his effects into storage the panel finds the ministry reasonably determined that the appellant failed to obtain the minister's approval before incurring these costs. The panel finds further that there is no evidence of exceptional circumstances that prevented the appellant from asking for the ministry's assistance with paying for storage fees and that the ministry reasonably determined that at the time of the move there were no exceptional circumstances. The panel notes that the appellant acquired his storage box prior to the time period of his surgery and hospital stay.

### Conclusion

The panel acknowledges that the appellant's situation is difficult. However, the panel finds that the ministry's decision to deny the appellant a supplement for outstanding storage fees was a reasonable application of the legislation in the circumstances of the appellant. The ministry's decision is confirmed and the appellant is not successful in his appeal.

## Employment and Assistance for Persons with Disabilities Regulation

### Supplements for moving, transportation and living costs

**55** (1) In this section: ...

"moving cost" means the cost of

(a) moving a family unit and the family unit's personal effects from one place to another, and

(b) storing the family unit's personal effects while the family unit is moving if the minister is satisfied that storing the personal effects is necessary to preserve the personal effects; ...

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

(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; ...

(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.

APPEAL NUMBER 2022-0221

**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)       and Section 24(2)(b)

**Part H – Signatures**

Print Name  
Inge Morrissey

Signature of Chair

Date (Year/Month/Day)  
2022/10/11

Print Name  
Greg Allen

Signature of Member

Date (Year/Month/Day)  
2022/10/11

Print Name  
Glenn Prior

Signature of Member

Date (Year/Month/Day)  
2022/10/11