

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated November 29, 2022, which determined that the appellant was not eligible for a bus pass supplement.

The ministry determined the appellant does not meet any of the criteria set out in Section 66(1) of the Employment and Assistance Regulation (EAR). Specifically, the appellant is not in receipt of the Guaranteed Income Supplement (GIS).

Part D – Relevant Legislation

Employment and Assistance Act- Sections 1 and 4
Employment and Assistance Regulation- Section 66

Part E – Summary of Facts

The appellant is the sole applicant of the bus pass program and is 77 years of age.

Summary of key dates:

- October 24, 2022, the appellant was advised that they were not eligible for a bus pass supplement.
- November 17, 2022, the appellant submitted a Request for Reconsideration.
- November 29, 2022, the ministry completed the review of the appellant's Request for Reconsideration confirming the denial of a bus pass supplement.

Evidence before the ministry at the time of reconsideration

- Request for Reconsideration dated November 14, 2022, the appellant stated in Section 3, Reason for Request for Reconsideration:
 - The appellant has completed more than 10 years of residence in Canada.
 - Income over the last two years has been nil.
 - The appellant is unable to walk any distance due to health issues.
 - As a senior with health issues, the appellant has regular checkups with the family doctor and needs a bus pass to visit the doctor, pharmacy and do errands.
 - The appellant is a Canadian citizen and falls in the category of recipients of BC bus program.
- **Documents submitted by the appellant included:**
 - A letter from Ministry of Social Development and Poverty Reduction dated September 21, 2022, stating the denial of a bus pass supplement.
 - A letter from Service Canada dated October 27, 2022, noting the appellant is already receiving the Canada Pension Plan (CPP) retirement pension.
 - A letter from Service Canada dated October 29, 2019, informing the appellant they were not eligible for the Old Age Security pension and the Guaranteed Income Supplement as they had resided in Canada for 8 years and 353 days and therefore had not met the 10-year residency requirement.
 - A Notice of Assessment from Canada Revenue Agency (CRA) dated March 17, 2022, noting the appellant's net income for the 2021 taxation year was \$3,602.
 - A Notice of Assessment from CRA dated March 25, 2021, noting the appellant's net income for the taxation year 2020 was \$3,244.
 - A form from Citizenship and Immigration Canada dated January 9, 2010, showing Confirmation of Permanent Residence.

At the hearing the appellant's advocate stated:

- A bus pass is required by the appellant due to health issues which requires trips to the doctor, the pharmacy and to do general errands.
- As the appellant is unable to drive to appointments or to buy groceries or collect medications a bus pass is required.
- The appellant had applied for GIS three years ago but was denied as they did not meet the residency requirement.

At the hearing the ministry representative stated:

- There is no evidence the appellant has been granted a GIS.
- The appellant meets the residency requirement of 10 years,
- The appellant should apply for the GIS when they qualify and as well, take advantage of local senior citizen support groups who assist seniors with transportation issues.
- They agreed the wording of the reconsideration document explaining the reason for denying the appellant a bus pass supplement was confusing.

Part F – Reasons for Panel Decision

The issue under appeal is whether the ministry's determination the appellant was not eligible for a bus pass supplement was a reasonable application of the legislation in terms the appellant's circumstances.

The ministry determined that as the appellant did not receive the GIS, they did not meet the requirements of Section 66 of the EAR and therefore denied the appellant a bus pass supplement.

The appellant's advocate argued the appellant required the supplement due to age and health reasons that hampered their ability to attend doctor appointments and obtain pharmacy items and groceries.

Panel Decision

Section 66(1) of the EAR states the minister may provide a bus supplement if \$45 to the cost of an annual pass is made by the appellant and the appellant meets one of the following criteria:

- a) they receive the federal spouse's allowance or federal guaranteed income supplement (GIS) or
- b) they are at least 60 years old and receive income assistance under section 2(monthly support allowance), 4 (monthly shelter allowance), 6(people receiving room and board) or 9(people in emergency shelters transition or hoses) of schedule A or
- c) they are at least 65 years old and meet all the federal GIS eligibility requirements except the 10-year residency requirement.

No evidence or argument was given that the appellant was in receipt of the federal spouse's allowance or federal GIS or that the appellant received income assistance under section 2, 4, 6, or 9 of Schedule A, therefore the appellant is not eligible under Section 66(1)(a) or (b) of the EAR to receive a bus supplement. The evidence shows the appellant meets the 10-year residency requirement and is therefore not eligible to receive a bus supplement under Schedule 66(1)(c) of the EAR. As the appellant was not eligible for any criteria required in Section 66 (1) of EAR, the panel finds the ministry was reasonable in denying the appellant a bus pass supplement.

Conclusion

The panel finds the ministry's reconsideration decision was reasonably supported by the evidence and confirms the ministry's reconsideration decision. The appellant is not successful in their appeal.

Applicable Legislation

Employment and Assistance Act

Interpretation

1 (1) In this Act:

"applicant" means the person in a family unit who applies under this Act for income assistance, hardship assistance or a supplement on behalf of the family unit, and includes

- (a) the person's spouse, if the spouse is a dependant, and
- (b) the person's adult dependants;

"family unit" means an applicant or a recipient and his or her dependants;

"income assistance" means an amount for shelter and support provided under section 4 [*income assistance and supplements*];

Employment and Assistance Regulation

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*] or 6 [*people receiving room and board*] 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](#).

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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
Charles Schellinck

Signature of Chair

Date (Year/Month/Day)
2023/01/05

Print Name
Carla Tibbo

Signature of Member

Date (Year/Month/Day)
2023/01/05

Print Name
Wes Nelson

Signature of Member

Date (Year/Month/Day)
2023/01/05