

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the "Ministry") reconsideration decision dated November 30, 2023, which denied the Appellant's request for a moving supplement as her request does not meet the criteria under Section 55 of the Employment and Assistance for Persons with Disabilities Regulation.

The Ministry determined the Appellant was eligible for a moving supplement as the Appellant qualified under Section 55 (2) (e), moving costs to avoid an imminent threat to her physical safety, and Section 55 (3) (a), there are no resources available to cover the costs for the supplement. However, the Ministry was not satisfied that the Appellant's request for covering the cost to move her 5<sup>th</sup> wheel trailer and attached addition met the definition of "moving costs" as defined in Section 55 of the Regulation as the definition does not include vehicles, trailers, homes, or additions to homes.

**Part D - Relevant Legislation**

*Employment and Assistance for Persons with Disabilities* (EAPWD) Regulation (the “Regulation”), Section 55

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

**Part E – Summary of Facts**

The Appellant is the sole recipient of disability assistance.

**Summary of key dates**

**October 23, 2023**, the Appellant requested a moving supplement for safety reasons and that she did not have the resources available to pay for moving.

**October 26, 2023**, the Appellant contacted the Ministry with the additional information that she had a place within British Columbia to move to and that she required help to move her 5<sup>th</sup> wheel trailer, and an addition attached to her unit.

**October 30, 2023**, the Appellant sent a My Self Serve message with documents showing insurance and vehicle registration for the 5<sup>th</sup> wheel trailer and a quote of \$452.81 to move the 5<sup>th</sup> wheel.

**November 3, 2023**, the Appellant informed the Ministry she required a storage locker and provided 2 moving quotes (\$1029 and \$1680), and 2 storage quotes (\$314.99/month and \$315/ month).

**November 7, 2023**, the Appellant was approved for \$1343.99 to move belongings to storage for 1 month.

**November 7, 2023**, the Appellant provided the Ministry with pictures of her addition with 2 moving quotes, (\$10500.00 and \$11118.45).

**November 9, 2023**, the Appellant provided a quote for towing her 5<sup>th</sup> wheel trailer for \$472.50.

**November 16, 2023**, the Ministry denied the Appellant's request to move her 5<sup>th</sup> wheel trailer and attached addition. In the letter of explanation, the Ministry notes that although the Appellant had been told earlier the request would be approved, upon a more detailed look at the request, the Policy and Interpretation Manager, with the supervisor and manager, decided the request could not be approved. The reason given for the denial noted that the moving supplement exists to help clients move themselves and their personal effects. While the legislation does not define personal effects, the Ministry believes the common meaning of personal effects is items worn or carried on the person. The Ministry also stated it takes a broader view of the interpretation of personal effects to include general household items such as

furniture. The Ministry believes the trailer addition is to be considered a building and not a personal effect.

**November 20, 2023**, the Appellant submitted a request for reconsideration.

**November 21, 2023**, the Appellant sent a letter stating the reasons for her move request and the actions she had taken. The Appellant noted that even though she had been told by a Ministry worker funds would be supplied to move the 5<sup>th</sup> wheel trailer and attached addition, the request was denied.

**November 30, 2023**, the Ministry completed its review of the Appellant's Request for Reconsideration and maintained its position to deny the Appellant's request.

**Evidence before the Ministry at the time of reconsideration:**

**Request For Reconsideration dated November 20, 2023**

In the Request For Reconsideration, the Appellant stated in a letter her reasons for the request which included the unsafe situation she was in and that she had been told by a ministry worker funds would be provided to move her trailer and attached addition. The Appellant also noted the addition is important for her physical and mental health.

**Documents submitted by the Appellant included:**

- Shelter information;
- Registration of 5<sup>th</sup> wheel;
- Moving company quotes;
- Storage quotes;
- Addition crane and move quote; and
- Photos of addition.

**Submission from Appellant received at the Tribunal on February 2, 2023**

- Pictures of artwork;
- Student Appellant helps;
- Mould in trailer; and
- Addition beside trailer.

**Submission from Appellant received by the Tribunal on February 5, 2023**

- My Self Serve document noting the Appellant had previously been told the trailer and addition move would be approved.
- An e-transfer dated December 01, 2023, for towing the Appellant's trailer at a cost of \$450.00.
- Call logs of conversations between the Appellant and the Ministry.

**At the hearing the appellant stated:**

- She was told she qualified for a moving supplement.
- Between November 3rd and 9th, she was told funds would be given for moving the trailer and addition.
- She was required to register her trailer and the Ministry supplied funds of \$388 for this process.
- She obtained the requested quotes for moving her trailer and addition.
- On November 16th she was told the supplement for moving was denied following a review by the Policy and Interpretation Manager.
- The Ministry covered costs of moving personal items to a storage unit for two months.
- She has not applied for compensation for moving her personal effects from storage to her 5th wheel which has now relocated.

**At the hearing the Ministry representative stated:**

- The Appellant did qualify for a moving supplement to move personal items.
- The moving of items from storage to the 5<sup>th</sup> wheel trailer is still in the process of being considered.
- They were not sure why the Ministry would allocate funds to register the trailer in the Appellant's name.
- When asked why the Ministry had informed the Appellant there would be funding to move her trailer and addition, the Ministry representative stated it may have been a worker error and apologized for the confusion.
- When asked if funding just for the trailer move could be considered by the Ministry, the Ministry representative stated it could be considered under "exceptional circumstances" even if the move had already occurred.
- The Ministry did not object to the additional written and oral evidence submitted by the Appellant.

**Admissibility**

The panel determined the additional information provided by the Appellant through her oral presentation and two supplements and the Ministry's oral presentation is reasonably required for a full and fair disclosure of all matters related to the decision under appeal and therefore is admissible under section 22(4) of the *Employment and Assistance Act*.

**Part F – Reasons for Panel Decision****The Issue**

The issue on appeal is whether the Ministry's reconsideration decision was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant.

Did the Ministry reasonably determine the Appellant was not eligible for a moving supplement to move her trailer and attached addition because the items did not meet the definition of personal effects under "moving costs" as defined in Section 55 of the EAPWD Regulation?

**Appellant's Position**

The Appellant argued she had been told by a Ministry worker her request for a moving supplement to move her 5<sup>th</sup> wheel trailer and attached addition had been granted and that registration of the trailer and the obtainment of quotes was all that was required on her part.

**Ministry Position**

Upon review, the Ministry determined the definition of "moving costs" as defined in Section 55 of the EAPWD Regulation includes personal effects limited to a person's belongings inside a home such as clothing, toiletries, etc., and can sometimes include furniture and other sizable items found inside a home. The Ministry does not believe the definition includes vehicles, trailers, homes, or additions to homes.

**Panel Decision**

Regulation provides that moving costs may be provided for "personal effects" if certain criteria are met. The Ministry agreed that the required criteria were met but stated that the 5<sup>th</sup> wheel trailer and addition were not "personal effects" and therefore the costs to move these items could not be funded as a moving expense.

The Ministry decision relied on the common meaning of personal effects as items normally worn or carried on the person as well with a broader interpretation to include general household items such as furniture. The Merriam Webster dictionary defines "personal effects" as "privately owned items (such as clothing and jewelry) normally worn or carried on the person). Given this definition, the panel finds the ministry's position reasonable. As drafted, the legislation does not appear to contemplate paying the

expense to move an appellant's residence only the contents therein. While the appellant was initially told that the expense would be paid, the panel has no jurisdiction to alter the legislation to fix the circumstances of the appellant.

The panel is sympathetic to the Appellant's circumstances and is disappointed in the apparent misleading communication of the Ministry when dealing with the Appellant's request for a moving supplement. The panel believes the ministry must take steps to improve its communication process so that issues such as this do not occur in the future.

### **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 her appeal.

### **Relevant Legislation**

#### ***Employment and Assistance For Persons With Disabilities Regulation*** **Supplements for moving, transportation and living costs**

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

**"living cost"** means the cost of accommodation and meals;

**"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;

**"transportation cost"** means the cost of travelling from one place to another.

(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:

- (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;

(f) transportation costs and living costs required to attend a hearing relating to a child protection proceeding under the [Child, Family and Community Service Act](#), if a recipient is given notice of the hearing and is a party to the proceeding;

(g) transportation costs, living costs, child care costs and fees resulting from

(i) the required attendance of a recipient in the family unit at a hearing, or

(ii) other requirements a recipient in the family unit must fulfill

in connection with the exercise of a maintenance right assigned to the minister under section 17 [*assignment of maintenance rights*].

(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.

(4) A supplement may be provided under this section only to assist with

(a) in the case of a supplement under subsection (2) (a) to (e), the least expensive appropriate moving costs, and

(b) in the case of a supplement under subsection (2) (f) or (g), the least expensive appropriate transportation costs and the least expensive appropriate living costs.

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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)

2024/02/10

Print Name

Bob Fenske

Signature of Member

Date (Year/Month/Day)

2024/02/11

Print Name

Kenneth Smith

Signature of Member

Date (Year/Month/Day)

2024/02/12