

**Part C - Decision Under Appeal**

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (the "**Ministry**") dated January 26, 2024, that denied the Appellant's request for a crisis supplement for transportation. The Ministry determined that the Appellant's request did not meet all the required criteria set out in section 55(2)(F) of the *Employment and Assistance for Persons with Disability Regulation*. Specifically, the Ministry determined that travel for attending court for a child custody hearing was not eligible for a crisis supplement for transportation.

**Part D - Relevant Legislation**

55(2)(F) of the *Employment and Assistance for Persons with Disability Regulation* (the "**Regulation**").

Note: The full text is available after the Decision.

**Part E – Summary of Facts**Evidence from the Reconsideration Decision:

The Appellant is receiving disability assistance and supplements as a single person with no dependents. The Appellant's assistance includes disability assistance, a monthly nutritional supplement, and an alcohol and drug services supplement. The Appellant receives \$1353.95 per month from the Ministry and \$454.55 from CPP. Of her disability assistance, \$100 is sent directly to a health clinic on her behalf, and \$20 is applied to her Ministry debt.

The Appellant's rent is reported to be \$1387.50 per month.

She requested a transportation supplement to assist with travel costs to attend a child custody hearing in Victoria BC from January 29-31, 2024. The Appellant reports that it is mandatory for her to be present at the hearing, or she will lose and not regain custody of her son.

She submitted several hotel quotes and copy of an email regarding the scheduling of the custody hearing for the week of January 29, 2024. The hotel quotes were for a 2-night stay.

The Appellant reported that she does not have a social worker.

The Ministry denied the Appellant's request for a transportation supplement. It was determined that transportation and living costs may only be provided to recipients who are required to attend a hearing related to child protection and who are obligated to attend related to child protection action pursuant to the *Child, Family & Community Services Act*.

As the Appellant indicated the court hearing is about child custody, and not about child protection, the Ministry determined that it cannot provide a transportation supplement for the Appellant's transportation.

The Appellant provided documents from her lawyer confirming the dates and travel costs for the hotel and ferry fees.

The Appellant received funds 6 months ago for the same reasons and this is the final Supreme Court hearing which will determine custody.

On June 16, 2023, the Appellant received a transportation supplement to attend a hearing on June 19th.

On June 22, 2023, the Appellant was denied a transportation supplement to attend a hearing on June 26th.

Evidence Provided at the Hearing by the Appellant:

The Appellant stated that she was taking steps to get custody of her son. She has been sober for four years and may finally be able to get her son back. To do so, she must appear in Supreme Court in person. The Appellant is on a fixed income and does not have the financial resources to travel from her home to attend court in Victoria. The Appellant was approved for \$500 to attend court in June 2023, but was denied a transportation supplement to attend court in July 2023 and in January 2024. The Appellant stated that court dates in the Supreme Court can take place on short notice. The Appellant was able to attend the court date with the assistance of her lawyer.

Evidence Provided at the Hearing by the Ministry representative:

The Ministry representative stated that a transportation supplement related to child protection may be provided by the Ministry; however, the Appellant was requesting a supplement for the purpose of child custody which is not provided for under the *Regulation*.

The Ministry representative acknowledged that a transportation supplement was previously granted to the Appellant in June 2023, but stated that this supplement appears to have been given in error or, in the alternative, provided given that the underlying nature of the prior court hearing related to child protection.

Admissibility of New Information

The panel finds that the information provided by the Appellant and the Ministry on appeal and at the hearing is reasonably required for a full and fair disclosure of all matters related to the decision under appeal, as it contributes to the panel's understanding of the circumstances surrounding the Appellant's request for a crisis supplement for transportation. 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's decision to deny the Appellant a crisis supplement for transportation was a reasonable application of the legislation in this instance.

The Appellant's Position

The Appellant believes a transportation supplement should be granted to her given that she was previously approved for a crisis supplement for transportation in June 2023. Given her limited income, she is not able to afford travel from her home to Victoria to attend custody proceedings in Supreme Court.

The Ministry's Position

The Ministry stated that a transportation supplement for transportation related to child protection may be provided by the Ministry; however, the Appellant was requesting a supplement for the purpose of child custody which is not provided for under the *Regulation*.

The Panel Decision

The panel finds that the Ministry was reasonable when it denied the Appellant's request for a crisis supplement for transportation to attend Supreme Court regarding a matter about a child custody. Pursuant to 55(2)(F) of the *Regulation*, transportation costs may only be provided to attend a hearing regarding child protection.

Specifically, section 55(2)(F) states that "*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*".

As the Appellant has clearly stated that the hearing is for custody purposes, and because the transportation supplement provided in June 2023 may have been granted in error or for child protection purposes, the panel finds no grounds for the supplement to be provided in this case.

Conclusion

The panel finds that the Ministry's decision to deny the Appellant a crisis supplement for transportation was reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the Appellant. The Ministry's reconsideration decision is confirmed, and the Appellant is not successful on appeal.

Employment and Assistance for Persons with Disability Regulation.  
Supplements Section 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, childcare 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.

44 (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

APPEAL NUMBER 2024-0034

**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

Richard Franklin

Signature of Chair

Date (Year/Month/Day)

2024/02/21

Print Name

Wesley Nelson

Signature of Member

Date (Year/Month/Day)

2024/02/21

Print Name

Anil Aggarwal

Signature of Member

Date (Year/Month/Day)

2024/02/21