

Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (“Ministry”) dated June 24, 2024, in which the Ministry denied a supplement for moving costs.

The Ministry was satisfied that the Appellant:

- was moving within British Columbia to avoid an imminent threat to her physical safety; and
- had sought prior approval from the Ministry before incurring moving costs.

The Ministry was not satisfied that:

- the amount requested was the least expensive appropriate moving cost; and
- the Appellant had no resources available to cover the moving costs.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation, section 55

Employment and Assistance Act, section 22(4)

Full text of the legislation is provided at the end of the Panel Reasons.

Part E – Summary of Facts

The hearing took place in person, with the Ministry attending by telephone, on July 31, 2024.

Evidence Before the Ministry at Reconsideration:

The Appellant is a sole recipient of disability assistance.

On March 14, 2024, the Appellant requested a supplement for moving costs, to move from Address #1 to Address #2, a distance of 2.3 kilometres, on April 30, 2024. The Appellant provided the Ministry with a written estimate from a moving company, in the amount of \$3,140.00. (The written estimate is not included in the Appeal Record, but the amount was provided by the Ministry at the hearing, as “\$3,140 and change”, which will appear as “\$3,140.00” in this decision.) The Appellant also told the Ministry that she had a verbal quote from a storage company, for \$350.00 to move a 24-foot storage container.

On April 25, 2024, the Ministry contacted the Appellant to review her request. The Appellant explained that the additional charge to move the storage container was necessary because the moving company would not transport the gas-fuelled items in the storage container due to safety concerns. The Appellant told the Ministry that she would not know the full cost of moving the storage container until after the move, because the storage company would have to weigh the containers to determine the actual cost. The Ministry told the Appellant that the Ministry would only pay \$350.00 because “the Ministry does not reimburse”. The Appellant stated that she did not need anything and ended the call.

The Ministry determined that the Appellant was eligible to receive \$3,140.00 to move the contents of her home, plus \$350.00 to move the contents of the storage container. The Ministry issued a cheque payable to the moving company, in the amount of \$3,140.00, but the cheque was not given to the Appellant.

On April 26, 2024, the Ministry contacted the Appellant. The Appellant told the Ministry that it was too late, the moving company had cancelled her move because she did not confirm the date in time. She told the Ministry she had not been able to confirm the date because she was waiting for Ministry approval. The Appellant told the Ministry she would try to rent a trailer and find help to move, and the Ministry told her that they would consider reimbursing the cost of the trailer rental if the Appellant submitted receipts.

The Appellant submitted the following documents to the Ministry;

- \$1,821.75 invoice from a storage company, dated April 17, 2024 and due April 29, 2024, for moving costs including a loaded rental move, a 20' box mobile, an empty rental deliver and pick up, and loaded rental move including a cost for moving two snowmobiles;
- \$88.20 receipt, dated April 8, 2024, for purchase of 25 small boxes;
- \$39.76 receipt, dated May 2, 2024, for purchase of 10 small boxes; and
- \$82.70 receipt, dated May 4, 2024, from a waste and recycling depot.

The Appellant also provided a handwritten note itemizing the following costs:

- \$2,000.00 for moving labour, loading and unloading;
- \$1,000.00 for cleaning and packing;
- \$250.00 for yard raking and waste clean up; and
- \$250.00 for a "dump run", recycling and food costs.

The total requested by the Appellant for moving costs was \$5,482.41. The Appellant told the Ministry that:

- She was scheduled for surgery on May 16, 2024, and could not bend over or lift.
- She had paid all the costs submitted, borrowing the money from friends and using her rent money.

The Appellant sold Address #1 and received the sale proceeds of \$86,905.00 in her bank account on April 30, 2024. On May 31, 2024, the Appellant's bank balance was \$38,533.73. The Appellant bought Address #2 from her parent and assumed a mortgage on that property.

Additional Evidence:

Appellant:

In the Notice of Appeal, the Appellant stated:

- She had arranged the move almost two months in advance.
- The moving company required confirmation two weeks before the move, because it was "prime moving season".
- She lives in a small community and, once the Ministry got back to her, the Thursday or Friday before she was supposed to move, there were no other moving companies available on short notice.
- She also had "to have things cleaned and the lawn done".
- "The outfit" required that the yard was cleaned up and raked.

- She is “not supposed to lift anything or be out of bed” because of a gallbladder condition, for which she is having surgery in May 2024.
- She had no other way to move on such short notice.

At the hearing, the Appellant said:

- She needed 2 ½ truckloads for the move to Address #2, because that is what it took when she moved in to Address #1.
- The moving company required that she confirm and have the Ministry cheque in hand, two weeks before the move.
- When the Ministry called her, four days before the move, there was an issue about someone else living at Address #2, a previous resident who had not changed their address, and she was frustrated.
- The Outreach Worker was going to bring the approved cheque to her but could not, because the Appellant was at work, and there was no secure place to leave it at Address #1.
- There was no other moving company available on short notice, so the Appellant rented two containers and hired two people to load and unload them. She hired another person to clean the residence and the yard and paid for disposal of garbage.
- It took the people she hired three days to complete the move.
- The realtor also helped.
- She estimates that it took:
 - One day to clean up;
 - Three hours to clean the yard;
 - An hour and a half to take refuse to the dump;
 - Two days to pack up, because she has a lot of possessions;
 - Four and a half hours to load each of the two containers; and
 - Additional time to unload at the other end.
- The containers took longer to unload because they were hard to place on the property at Address #2, due to their weight, and the location of septic tanks.
- She paid cash to the people she hired, and they will not give her receipts.
- The property management company at Address #1 required her to clean and clear the yard before she moved out.
- She was moved out of Address #1 one hour before the new owners arrived to move in.
- She had been living in a mobile home unit that she owned, on rented land. She sold that unit and bought the new property at Address #2, including a 50-year old mobile home.
- She bought the new property with a mortgage that a friend co-signed.

- She has used the sale proceeds, almost \$90,000, to repair the mobile home at Address #2, so that it would be safe and liveable, because it needed a new roof, and the walls were rotten.
- She has only about \$2,000.00 left in her account now, and she does not have enough to pay all her bills, because she is not working now.

Ministry:

At the hearing, in answer to questions from the Panel, the Ministry said:

- The Appellant's initial request for moving costs was above \$700.00, and therefore the request needed a supervisor's approval.
- The Ministry tries to meet "standard time lines" for approval of requests, but is bound by policy, which requires supervisor's approval for requests for moving costs over \$700.00. Supervisor's approval was not provided until April 26, 2024.
- The supervisor initially approved \$3,140.00 moving costs, plus \$350.00 to move the contents of the storage containers.
- The cheques were ready for the Appellant on April 26, 2024, but the Appellant said she did not need the money and hung up; therefore, the Ministry considers that the Appellant withdrew her request.
- The Ministry considers the reconsideration is only about the Appellant's request for reimbursement of a trailer rental and \$350.00 for moving a container.

Admissibility of Additional Evidence:

Neither party objected to the additional evidence of the other party. The additional oral evidence of the Appellant and the Ministry provides further information about the circumstances of the Appellant's move, the expenses the Appellant says she incurred, and the Ministry's processing of the Appellant's requests. The Panel finds that the evidence is reasonably necessary to determine the matters at issue in the appeal. Therefore, the Panel finds that the evidence is admissible under s. 22(4) of the Employment and Assistance Appeal Act.

Part F – Reasons for Panel Decision

The issue in the appeal is whether the Ministry's Reconsideration Decision, in which the Ministry denied a supplement for moving costs, is reasonably supported by the evidence, or a reasonable application of the legislation in the Appellant's circumstances.

The Ministry was satisfied that the Appellant:

- was moving within British Columbia to avoid an imminent threat to her physical safety; and
- had sought prior approval from the Ministry before incurring moving costs.

The Ministry was not satisfied that:

- the amount requested was the least expensive appropriate moving cost; and
- the Appellant had no resources available to cover the moving costs.

Appellant's Position:

Least Expensive Appropriate Moving Costs:

The Appellant says that, when the Ministry did not approve her request for moving costs in a timely way, the moving company cancelled her move and she had to make the best arrangements she could, on very short notice. She maintains that all the expenses she has submitted to the Ministry are reasonable in the circumstances. She explains that her move took longer than might be expected, because she has a lot of possessions, and it was difficult to place the containers on the property at Address #2 for unloading.

Resources:

The Appellant maintains that she did not have resources to pay the moving costs because she had to use the sale proceeds to repair the mobile home at Address #2 to a safe and habitable condition. She says that she only has \$2,000 left now, and she has unpaid bills.

Ministry's Position:

The Ministry maintains that the Appellant has not met two of the criteria for a supplement for moving costs. The Ministry says that:

- the amounts requested are not the least expensive moving costs; and
- the Appellant had resources to pay the moving costs.

Least Expensive Appropriate Moving Costs:

The Ministry maintains that the amount requested, \$5,482.41, does not represent the least expensive appropriate moving costs from Address #1 to Address #2.

The Ministry acknowledges that the Appellant had to hire people to help with the move, because her medical conditions prevented her from doing the move herself. However, the Ministry says that the Appellant had not given any details about how many people were hired, the number of hours it took to move, or the quantity of items that had to be moved. Therefore, the Ministry maintains that it could not establish why labour costs would be \$2,000.00 to move the short distance from Address #1 to Address #2, in addition to the charge of \$1,821,75 from a storage company.

The Ministry also argues that the following expenses the Appellant submitted were not eligible as a supplement for moving costs because they were not costs to move the Appellant and her personal effects from one place to another:

- \$1,000.00 for cleaning and packing;
- \$127.96 total for boxes;
- \$250.00 for yard raking and waste clean up;
- \$200.00 for a “dump run”, recycling and food costs; and
- \$82.70 for a dump fee.

At the hearing, the Ministry also said that the Reconsideration Decision was only concerned with the request for a trailer rental and moving the storage containers, as the Appellant had withdrawn her first request for moving expenses by a moving company.

Resources:

The Ministry is not satisfied that the Appellant does not have resources available to pay the moving costs out of the proceeds from the sale of the mobile home at Address #1. The Ministry points out that, on April 30, 2024, the Appellant received \$86,905.00 in her bank account, and on May 31, 2024, she still had \$38,533.73 in the account. They submit that the Appellant had not explained why she could not use that money to pay for the move.

Panel Decision:

The Panel finds that the Ministry's Reconsideration Decision, denying a supplement for moving costs, was not a reasonable application of the legislation in the Appellant's circumstances.

Least Expensive Appropriate Moving Costs:

The Appellant submitted her request for moving costs on March 14, 2024. The Ministry was aware that the Appellant had to move on Tuesday, April 30, 2024, but the Ministry did

not respond with a decision about that request until Friday, April 26, 2024. By that time, the moving company had cancelled the Appellant's move, because they required confirmation two weeks in advance. The Appellant could not confirm the move, because the Ministry had not approved her request for a supplement for moving costs.

At the hearing, the Ministry argued that it is bound by policy and legislation. They said that Ministry policy requires approval by a supervisor when the request is for more than \$700.00, and the legislation does not specify a time for approval of a request for a supplement. The Panel understands that there was no supervisor's approval until April 26, 2024. However, the Panel finds that it was not reasonable for the Ministry to give approval that close to the Appellant's moving date, when the Appellant made her request on March 14, 2024. The Ministry was aware that the Appellant lives in a small community. The Panel finds that the Ministry could reasonably be expected to know that it was unlikely that the Appellant would be able to find another moving company in the area to move her possessions at the end of a month, on short notice. The timing of the Ministry's approval left the Appellant only one clear business day to find another moving company to move her possessions. There was no other moving company available on short notice, so the Appellant had two containers delivered to Address #1, paid two people to pack, load and unload her belongings, and paid \$1,821.75 to a storage company to move a loaded storage unit. The Appellant was not able to do any of the packing, lifting, loading and unloading, because of her medical condition.

According to the Ministry, when they told the Appellant on April 26, 2024 that they had a cheque payable to the moving company in the amount of \$3,140.00, she said that she no longer needed a moving supplement, as it was too late. At the hearing, the Ministry maintains that meant that the Appellant cancelled her request for the moving costs shown in the estimate from the moving company, and therefore the Ministry only needed to reconsider its decision not to pay for a trailer rental and the previously quoted cost of moving the storage containers. This was also the Ministry's explanation for not including the \$3,140.00 estimate from the moving company in the Appeal documents. The Panel notes that it would have been helpful for the Panel to see the estimate from the moving company, to understand what the Ministry expected would be needed for the move when it approved that moving cost initially.

The Panel finds that it is not reasonable for the Ministry to limit its reconsideration to the cost of a trailer rental and an earlier verbal quote for moving a storage unit. When the Appellant spoke to the Ministry on April 26, 2024, she "did not need" the cheque the Ministry was issuing because the Ministry was too late approving the request and providing funds. The cheque was of no use to the Appellant, as the moving company had

cancelled the move. The Panel finds that the Appellant was not “cancelling” her original request for a supplement for moving costs, but rather was expressing to the Ministry that their cheque payable to a moving company that could no longer do the move, was no use to her.

The Panel also finds that it is not reasonable for the Ministry to determine the Appellant’s appropriate moving costs are limited to a trailer rental and \$350.00 to move a storage container, when the Ministry had previously approved the \$3,140.00 estimate from the moving company.

The Panel accepts the Appellant’s uncontradicted and credible evidence about the money she spent for the move and finds that the Appellant paid the amounts set out in the handwritten note and the invoices she submitted to the Ministry, for the purposes she states. However, the Panel is not finding that all the expenses the Appellant presented are “moving costs” as defined in the Regulation. Under section 55(1) of the Regulation, “moving costs” are defined as “the cost of moving [the Appellant’s] personal effects from one place to another”. The Appellant has presented some costs, such as raking the yard, which may have been necessary because the Appellant was moving but were not incurred to move her personal effects to Address #2. However, the Panel finds that all services and expenses for packing, loading, transporting and unloading the Appellant’s personal effects, including containers, were appropriate moving costs, particularly because the Appellant was unable to bend or lift to do any of the packing and moving herself. To the extent that the expenditures the Appellant has presented are “moving costs”, the Panel finds that the amounts the Appellant spent are the least expensive appropriate moving costs in the Appellant’s circumstances, including the need to arrange the move on short notice because the Ministry did not consider her request in time for her to have the moving company do the move.

The Panel finds that the following expenditures are reasonable and appropriate moving costs incurred by the Appellant to move her personal effects from Address #1 to Address #2:

- \$1,821.75 paid to the storage company to move a storage container;
- \$2,000.00 paid to two people to pack, load and unload her belongings;
- \$127.96 for boxes.

The Panel finds that the following expenditures, while they may have been necessary when the Appellant was leaving Address #1, were not incurred to move the Appellant’s personal effects, and therefore are not eligible as a supplement for moving costs:

- \$250.00 for yard raking and waste clean up;
- \$200.00 for a “dump run”, recycling and food costs; and
- \$82.70 for a dump fee.

The Appellant also said that she paid a third person \$1,000.00 for packing and cleaning. While packing would be an appropriate moving cost in the Appellant’s circumstances, cleaning is not a “moving cost” as defined by the Regulation. However, as the Appellant did not provide any details about how much time that person spent on packing, and how much on cleaning, the Panel cannot determine what portion of that \$1,000.00, if any, would be a moving cost. Therefore, the Panel does not include any part of that amount in its calculation of appropriate moving costs.

The moving costs determined by the Panel total \$3,949.71. The amount is comparable to the total moving costs of \$3,490.00 first approved by the Ministry, with somewhat higher actual moving costs because the Ministry did not approve the Appellant’s request for the supplement in a reasonable time. The Appellant had to make the best alternate arrangements she could find on short notice, and therefore the Panel finds that the moving costs as determined by the Panel were reasonable, necessary and appropriate.

Resources:

The Panel finds that the Appellant did not have resources to pay the moving costs herself.

The Appellant’s bank statements show that, on April 30, 2024, she received \$86,905.00 (sale proceeds from the sale of the mobile home at Address #1), and on May 31, 2024 her bank balance was \$38,533.73. At reconsideration, the Ministry noted that the Appellant had not provided any information to explain why that money could not be used to pay the moving costs. At the hearing, the Appellant explained that she had to spend the sale proceeds to repair the 50-year old mobile home on the property that she purchased at Address #2. The Panel accepts the Appellant’s evidence that she spent the sale proceeds on necessary repairs to her current home, that she now has about \$2,000.00 left in her bank account, and she has unpaid bills. The Panel finds that the Appellant used the sale proceeds to repair the mobile home at Address #2 to a safe and liveable condition. While the Appellant had funds in her bank account between April 30, 2024 and May 31, 2024, the Panel finds that it was reasonable, and necessary, for the Appellant to use that money to provide a safe place for herself to live, rather than to pay moving costs that the Ministry had not considered within a reasonable time.

Therefore, considering the additional information the Appellant provided at the hearing about how she needed to use the sale proceeds, the Panel finds that the Appellant did not have available resources to pay the moving costs.

Conclusion:

The Panel finds that the Ministry's Reconsideration Decision, denying a supplement for moving costs, is not a reasonable application of the legislation in the Appellant's circumstances. The Panel finds that the Appellant incurred moving costs of \$3,949.71, and that these costs were the least expensive appropriate moving costs in the Appellant's circumstances. The Appellant is successful in the appeal.

Schedule of LegislationEmployment and Assistance for Persons with Disabilities Regulation**Supplements for moving, transportation and living costs**

s. 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 fulfil

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.

Employment and Assistance Act

s. 22 (4) A panel may consider evidence that is not part of the record as the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

APPEAL NUMBER 2024-0262

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 Susan Ferguson	
Signature of Chair	Date (Year/Month/Day) 2024/08/08

Print Name Kulwant Bal	
Signature of Member	Date (Year/Month/Day) 2024/08/08

Print Name David Handelman	
Signature of Member	Date (Year/Month/Day) 2024/08/08