

### **Part C - Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) Reconsideration Decision dated July 9, 2024, which determined the appellant was not eligible for a moving supplement (storage costs and costs to move to another city).

Specifically, the ministry determined that none of the following criteria was met.

- The move is being made because the family is compelled to vacate a rented accommodation.
- The move is being made for significantly reduced shelter costs.
- The move is being made to avoid imminent threat to the physical safety of any person in the family.

### **Part D - Relevant Legislation**

Employment and Assistance for Persons with Disabilities Regulation (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 hearing was held as a teleconference hearing on August 9, 2024.

Evidence Before the Minister at Reconsideration**Ministry Records show:**

- The appellant is a sole recipient of disability assistance.
- On April 16, 2024 the appellant advised she was moving to another city and required assistance with moving expenses. She submitted a Residential Tenancy Agreement, indicating she would begin renting at this address on May 1, 2024.
- On April 26, 2024 the ministry spoke with the appellant and noted she was moving to a temporary address.
- On April 29, 2024, the appellant clarified that she was currently at a temporary address and was moving to her destination address on May 1, 2024. She had not resided at her previous address for the past six months.
- On May 10, 2024 the appellant submitted a Crisis Request for Shelter Expenses.
- On May 27, 2024 the appellant advised the ministry that in addition to her moving costs, she requires assistance to pay for renting a storage locker.
- On May 30, 2024 the ministry denied the request for a moving supplement.

**Request for Reconsideration (June 7, 2024)**

The appellant states moving to the temporary location was based solely on an unexpected family emergency. Her mother had been living in a motel prior to moving to the temporary address, where her sister lives. Shortly after the appellant arrived at the temporary location, she found her mother collapsed on the floor, alone and unable to get back on their bed. It became rapidly clear that she was bed bound and would require help for all meals, bathing, etc. What was initially thought would be a short-term visit changed into a much longer visit as placing her mother in assisted living could take anywhere from six months to a year.

The appellant states it felt unwise to keep her previous rat-infested apartment so she put her belongings in storage on January 1, 2024. Her mother was placed in assisted living on March 1, 2024. Working with community services, the appellant found an apartment for May 1, 2024 (her current apartment).

The appellant adds that when she left her previous apartment she was under a lot of pressure. She has bad mobility and pain and the move to the storage unit was very hard.

She is now in debt for \$632.00 and camping at her current apartment as she doesn't have the means to replace her items in storage.

**Email from the Appellant to the Ministry (April 26, 2024)**

The email contains the following information from two moving companies:

1. Total estimated charges for moving belongings from storage in the previous location to current address, \$6,161.44.
2. Moving cost estimate to be \$2,800.00, would be booked for May 6, 2024.

**Request for Shelter – Crisis Supplement (May 10, 2024)**

The appellant states her situation was unexpected as she needed to move to a temporary location to take care of her mother until her mother was accepted into assisted living. She had to give up her previous apartment and place her household items in storage. She had to borrow the storage money from her daughter and needs to resolve the storage issue.

**Estimate from Moving Company (May 21, 2024)**

The estimate of \$2,385.00 is for a move from a storage locker to the appellant's current address.

**Receipt from Storage Company (May 5, 2024)**

Paid through June 4, 2024 in the amount of \$346.50

Information Received after Reconsideration

**Notice of Appeal (July 22, 2023)**

The appellant did not provide any reasons for the appeal.

**At Hearing**

At the hearing the appellant stated her mother lived in another country for 10 years, then moved into a motel the appellant's sister owned. In 2023, her sister had an opportunity to "housesit" in another part of the province (temporary location). The appellant's mother was relocated to the temporary location. In November 2023, the appellant went to this temporary location to help her mother who was having serious health issues. The appellant states there was no one else to look after her mother. She left her home where she was paying \$867.00/month in rent. She stated that it was rodent infested and her landlord was very hard to deal with. Her rent now is \$1,000/month. However, if it had not been for her mother's ill health, she would not have relocated to this location as her

daughter lives in the same building. She added that she did receive help from friends/family to move some of her belongings to her current address.

At the hearing the ministry relied on its record and reiterated that it must follow the legislation. When asked if there were any emergency grants available, the ministry stated that it is not aware of any. When asked if the ministry would pay for another month of storage fees, the ministry's response was that the appellant could put in a request, but it could not guarantee the result.

**Admissibility**

The panel determined the additional information from the appellant 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*.

The panel determined the additional information from the ministry is not reasonably required for a full and fair disclosure of all matters related to the decision under appeal and therefore is not admissible under section 22(4) of the *Employment and Assistance Act*.

## **Part F – Reasons for Panel Decision**

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.

Specifically, did the ministry reasonably determine the appellant was not eligible for a moving supplement (storage and costs to move to another city) because none of the following criteria were met?

- The move is being made because the family is compelled to vacate a rented accommodation.
- The move is being made for significantly reduced shelter costs.
- The move is being made to avoid imminent threat to the physical safety of any person in the family.

### **Appellant Position**

The appellant submits that moving from her previous location to the temporary location was based solely on an unexpected family emergency. Her mother's health was poor and they required care. There was no one else to take care of her mother and placing them in assisted living could take anywhere from six months to a year.

The appellant submits that when she left her previous apartment she was under a lot of pressure. She has bad mobility and pain and the move to the storage unit was very hard.

She is now in debt for \$632.00 and camping at her current apartment as she doesn't have the means to replace her items in storage.

### **Ministry Position**

The ministry found the requested expenses meet the definition of a "moving cost," as these expenses are for costs to move the appellant and her belongings from one place to another (i.e. previous to current address). The ministry is satisfied that the moving costs represent the least expensive appropriate option (as the appellant is physically unable to load and unload her belongings) and that she does not have resources available to pay these costs. The ministry further acknowledges that the appellant was unable to receive approval for her moving costs before initiating her move in January 2024 because she had to move to accommodate an unexpected family emergency.

However, according to section 55(2) of the Regulation, moving supplements to pay for costs associated with moves within British Columbia may only be provided if the family is compelled to vacate a rented accommodation, to significantly reduce shelter costs or to avoid imminent threat to the physical safety of any person in the family. Based on the information submitted, the ministry is not satisfied the move was made for one or more of these reasons.

The ministry submits the appellant has not provided any evidence to suggest she was compelled to vacate her previous residence. As well, she did not move to significantly reduce shelter costs, as rent at her previous residence was \$850.00/month and rent now is \$1000.00/month. The ministry acknowledges that the appellant initiated her move because she had to provide care for her mother, and that her mother's physical safety may have otherwise been jeopardized. However, legislation only allows a moving supplement where the move is made to avoid an imminent threat to the physical safety of a person in the family unit (recipient and their spouse or dependent children). As the sole member of the family unit, the appellant has not provided any evidence to indicate that she moved to avoid imminent threat to her physical safety.

### **Panel Analysis**

#### Section 55(2), Regulation – requirements for moving supplement

Section 55(2) of the Regulation states the minister may provide a supplement for a family that is eligible for disability assistance to assist with moving costs for one or more of the reasons listed below. The panel notes ministry records show the appellant is a recipient of disability assistance.

#### Section 55(2)(c),(d),(e), Regulation – reasons for moving

Section 55(2)(c) provides for moving costs to move anywhere in British Columbia because the family is compelled to vacate the rented residential accommodation for any reason, including the following:

- the accommodation is being sold
- the accommodation is being demolished
- the accommodation has been condemned

The panel finds the evidence is insufficient to demonstrate that any of the above reasons apply in the appellant's case. There is insufficient evidence to confirm the residence is being sold or demolished. Although the appellant referred to her previous residence as rat infested, there is insufficient evidence to suggest the residence is being condemned. In addition, the panel finds there is insufficient evidence to conclude the appellant was compelled to move for any other reasons as the appellant stated that if it had not been for her mother's ill health, she would have stayed at this location.

Section 55(2)(d) of the Regulation allows for 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. The appellant states rent for her previous residence was \$867.00/month and rent for her current apartment is \$1,000.00/month. Therefore, the panel finds her shelter costs were not reduced.

Section 55(2)(e) provides for moving costs required to move anywhere in British Columbia to avoid imminent threat to the physical safety of any person in the family unit. The ministry submits that legislation only allows a moving supplement where the move is made to avoid an imminent threat to the physical safety of a person in the family unit (recipient and their spouse or dependent children). As the sole member of the family unit, the appellant has not provided any evidence to indicate that she moved to avoid imminent threat to her physical safety. The panel finds the ministry's determination that the appellant's mother cannot be considered as part of the family unit, reasonable.

As well, although the appellant states her previous landlord was difficult to deal with, there is insufficient evidence to suggest she moved to avoid imminent threat to her physical safety.

As the appellant has not met the legislative requirements for a moving supplement under sections 55(2)(c), (d) or (e) of the Regulation, the panel finds the ministry reasonably determined the appellant is not eligible for a moving supplement for moving or storage costs under section 55(2) of the Regulation.

## **Conclusion**

In conclusion, the panel finds the ministry's decision that determined the appellant is not eligible for a moving supplement, was a reasonable application of the legislation.

The panel confirms the ministry decision.

The appellant is not successful on appeal.

## Schedule of Legislation

### 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;

"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.

1

**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

Connie Simonsen

Signature of Chair

Date (Year/Month/Day)

2024/08/10

Print Name

Corrie Campbell

Signature of Member

Date (Year/Month/Day)

2024/08/15

Print Name

Susanne Dahlin

Signature of Member

Date (Year/Month/Day)

2024/08/12