

2025-0044

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the Ministry) Reconsideration Decision dated February 3, 2025. The Ministry in this case, determined that the Appellant was not entitled to a bus pass, pursuant to section 1 and 4 of the *Employment and Assistance Act* and section 66(1) of the Employment and Assistance Regulation, as the Ministry had determined that the Appellant had not met with: Section 66(1)(a) of the Regulation (recipient of spouse allowance or federal GIS), Section 66(1)(b) of the Regulation (60 yr old or more and receives income assistance) and Section 66(1)(c) of the Regulation (65 yr old or more and satisfies all eligibility requirements for federal GIS except 10-year residency requirement).

Part D – Relevant Legislation

Employment and Assistance Act (the "Act"), section 1 & 4

Employment and Assistance Regulation (the "Regulation"), section 66(1)

The relevant legislation is provided in the Appendix

Part E – Summary of Facts

The Appellant requested a written hearing of this appeal. A written appeal hearing took place on March 6, 2025.

Information Before the Ministry at Reconsideration

The Appellant is not a recipient of income assistance.

According to the information provided by the Ministry and included in the Reconsideration Decision, the Appellant is 59 years old, employed, and currently struggling with impacted vision following an eye surgery. The evidence before the Ministry at reconsideration included the Appellant's Request for Reconsideration dated January 17, 2025, which included a request for a bus pass supplement under Section 66(1) of the (the "Act"). The Appellant indicated that the eye surgery has impacted his vision, especially in low light conditions which has in turn made it difficult for him to drive at night. This is problematic as he works a fulltime night shift.

Information Received After Reconsideration

The Ministry relied on the Reconsideration Decision, and did not provide additional evidence.

The Appellant submitted new evidence on Feb 21, 2025, which included:

- letter detailing the need for an exception to the legislation,
- a November 18, 2025 dated note from the eye clinic indicating that the Appellant required Photodynamic Therapy,
- an appointment reminder for an upcoming eye appointment on April 7, 2025 for the eye clinic,
- a prescription for eyeglasses, dated December 20, 2024, and 4) a July 11, 2024 letter from the eye specialist regarding the Appellant's eye condition, inability to use computers and need for photodynamic therapy,
- a July 11, 2024 dated treatment plan for the said eye condition, and
- three separate prescription receipts, dated: May 4, 2024, June 18, 2024 and August 3, 2024 for what appeared to be eye drops (Prolense).

Admissibility of New Evidence

The Panel agreed that the various submissions (1-6) were relevant to the Appellant's serious eye condition and therefore, admitted the (1-6) submissions under Section 22(4) of (the "Act"). However, the Panel did not place great weight on the submissions, due to the eye condition itself not being a factor in this decision.

Part F – Reasons for Panel Decision

Position of the Parties

The Appellant

The Appellant's position is that he is struggling which is directly due to his serious eye condition. Given the struggles and challenges, the Appellant argues he could benefit from a bus pass.

The Ministry

The Ministry does not deny that the Appellant has a serious eye condition and is struggling to drive at night as a result. The Ministry submits that the Appellant does not meet the legislative criteria for a bus pass supplement under section 66(1) of (the "*Regulation*").

More specifically, the Ministry states that under section 66(1) of (the "*Regulation*"), the Appellant could receive a bus pass, however, only if the Appellant were to be a minimum of 60 years old and in receipt of income assistance or the Guaranteed Income Supplement. In this case, the Appellant is not receiving either income assistance, or the GIS, and is only 58 years old.

Panel Decision

At the hearing, the Panel considered the criteria set out in the section 1 and 4 of (the "*Act*") and section 66(1) of (the "*Regulation*"). The panel considered that the section 1 and 4 of (the "*Act*") outlines that a supplement may only be provided if; the family unit is eligible for that supplement under (the "*Regulation*"). In this case, it is not a question of whether the Appellant would be eligible for income assistance. For this decision, the Panel only considered the Ministry's determination of whether the Appellant is eligible for the bus pass supplement under section 66(1) of (the "*Regulation*"). The ("*Regulation*") outlines that the Appellant would need to meet one of section 66(1)(a), (b) or (c) in order to be eligible for the bus pass supplement. The Appellant in this case did not meet section 66(1)(a) of (the "*Regulation*"), where it states the person must be receiving the income assistance or the Federal GIS, or Section 66(1)(b) of (the "*Regulation*") where the person must be receiving income assistance or be 60 years of age, or section 66(1)(c) of (the "*Regulation*"),

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where it states that the person must be receiving the Federal GIS, be 65 years of age, and only not meet the 10 years' residency requirement. In this case, the Appellant is not receiving either income assistance, or the GIS, and is only 58 years old.

Consequently, the Panel agrees that the Ministry was reasonable to deny the Appellant the bus pass, due to not meeting any one of the above criteria, under section 66(1) of (the "*Regulation*").

In this case, and while sympathetic to the Appellant who is struggling with a serious eye condition, the Panel has no discretion to make an exception to the legislation. The Panel does not make new decisions. The Panel is limited to its jurisdiction; which is to determine if the Ministry was reasonable in its decision making to deny the Appellant the bus pass.

Conclusion

Having considered all the evidence, the Panel finds that the Ministry's Reconsideration Decision to be reasonably supported by the evidence, pursuant to section 24(1)(a) of (the "Act"). Accordingly, the Panel confirms the Ministry's decision under section 24(2)(a) of (the "Act"). Consequently, the Appellant is not successful in this appeal.

APPENDIX**RELEVANT LEGISLATION:**

Employment and Assistance Act, section 1 & 4

Employment and Assistance Regulation, section 66(1)

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.

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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

Panel Chair

Jennifer Armstrong

Signature of Chair

Date (Year/Month/Day)

2025/03/07

Print Name

Kulwant Bal

Signature of Member

Date (Year/Month/Day)

2025/03/11

Print Name

Warren Fox

Signature of Member

Date (Year/Month/Day)

2025/03/12