

Appeal Number 2025-0082

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“Ministry”) Reconsideration Decision dated December 8, 2021, which held that the Appellant was not eligible for a bus pass supplement pursuant to Section 66(1) of the Employment and Assistance Regulation.

The Ministry determined that the Appellant is not eligible for a bus pass supplement because he does not receive the Federal Guaranteed Income Supplement (“GIS”) or Federal Spouse’s Allowance (“SA”).

Part D – Relevant Legislation

Employment and Assistance Act (“Act”), section 4.

Employment and Assistance Regulation (“Regulation”), section 66(1).

Part E – Summary of Facts

Evidence at Reconsideration

- Notice of Rent Increase dated September 26, 2024 that shows that the Appellant's rent increased from \$613.00 to \$631.00.
- Request for Reconsideration signed February 6, 2025.

Evidence on Appeal

The Notice of Appeal dated March 12, 2025, was submitted by the Appellant. The Appellant stated, "please see attached sheet". The attached included the Ministry's Reconsideration Decision and section 4 of the February 6, 2025 Request for Reconsideration document.

A second Notice of Appeal was submitted On April 4, 2025 which stated "I am requesting reconsideration of the decision to deny me a B.C. bus pass for 2025. In 2023 I received a lump sum from my RRSP. A large part of that went to taxes and resulted in my inability to receive GIS. Since then, my income strictly comes from my OAS and Social Security payments which total \$845.04 with my rent increasing to \$631 in January. Having to pay for bus passes on a monthly basis will be a financial hardship. Having a B.C. Bus Pass will help me very much".

On April 3, 2025, the Ministry submitted the following "The ministry's submission in this matter will be the reconsideration summary provided in the Record of Ministry Decision. However, the ministry would like to point out a typing error in the decision. The ministry wrote on October 18, 2024, the ministry advised you that your request for the bus pass supplement was denied because you did not meet any of the criteria to be eligible for it. Specifically, you were in receipt of the Guaranteed Income Supplement (GIS). It should be noted that "Specifically, you were not in receipt of the Guaranteed Income Supplement."

Finding of Fact

- The Appellant is 71 years old and is not a recipient of income assistance.
- The Appellant receives income from Old Age Security ("OAS") and the Canada Pension Plan ("CPP").
- The Appellant stopped receiving income from GIS after receiving a lump sum from his Registered Retirement Savings Plan ("RRSP") in 2023.

Admissibility of Additional Evidence

A Panel may consider evidence that is not part of the record and which the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

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The Panel found that the two Notices of Appeal and the Ministry's submission from April 3, 2025 provided additional evidence that provides a full and fair disclosure of all matters related to the decision under appeal. The Panel has admitted this new evidence in accordance with s. 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

The purpose of the Panel is to review and assess whether the Ministry's Reconsideration Decision satisfied a standard of reasonableness. The standard applied is whether the applicable laws were reasonably applied and whether the evidence was also reasonably applied in the circumstances.

The issue at appeal is whether the Ministry's Reconsideration Decision which held that the Appellant was not eligible for a bus pass supplement pursuant to Section 66 of the Regulation was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the Appellant.

The Applicant's Position

The Appellant argued that his only income is OAS and CPP and with a rent increase, having to pay for bus passes on a monthly basis will be a financial hardship.

The Ministry's Position

The Ministry argued that the Appellant is not eligible for the 2025 BC Bus Pass Program under the Regulation because per Service Canada, the Appellant is not in receipt of GIS.

The Panel's Decision

Section 66(1) prescribes that to be eligible for a bus pass supplement, the recipient must meet one of 3 requirements. The first sets out that to receive a bus pass supplement, one must either receive SA or GIS. There is no evidence that the Appellant receives the federal SA. The Ministry indicated that a data match with Service Canada indicated that the Appellant is not in receipt of GIS. Therefore, he does not meet the requirements of section 66(1)(a). The Appellant indicated that he due to receiving a lump sum from RRSP's, he no longer receives GIS. As such, the evidence establishes that the Appellant does not meet the requirements of section 66(1)(a) of the Regulation.

It has also been established that the Appellant is not in receipt of income assistance and therefore does not meet the requirements of section 66(1)(b) of the Regulation.

Section 66(1)(c) of the Regulation prescribes that to be eligible for a bus pass supplement the recipient must meet the requirements of GIS except the 10-year residency requirement. This is not a consideration for this Appellant, he does not meet this requirement and the Appellant does not dispute or argue as such.

Since the Appellant does not meet any of the eligibility requirements for section 66(1) of the Regulation, the Panel finds that the Ministry was reasonable in its decision to deny the Appellant a bus pass supplement.

Conclusion

The Panel finds that the Ministry reasonably concluded that the evidence establishes the criteria set out in Section 66(1) of the Regulation have not been met. The Panel therefore finds that the Ministry's decision to deny the Appellant's request for a bus pass supplement was a reasonable application of the legislation and was supported by the evidence. The Panel confirms the Ministry's Reconsideration Decision. The Appellant is not successful at appeal.

Appendix A

Section 4 of the Act sets out the following:

Income assistance and supplements

4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

Section 66 of the Regulation sets out the following:

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*], 6 [*people receiving room and board*] or 9 [*people in emergency shelters and transition houses*] 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.

(2) In this section, "annual pass" means an annual pass to use a public passenger transportation system in a transit service area established under section 25 of the *British Columbia Transit Act* or in a transportation service region, as defined in the *South Coast British Columbia Transportation Authority Act*.

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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

Neena Keram

Signature of Chair

Date: 2025/04/09

Print Name

Rick Bizarro

Signature of Member

Date: 2025/04/09

Print Name

Perihan Sucu

Signature of Member

Date: 2025/04/10