

Appeal Number 2025-0083

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the Ministry's) decision dated March 5, 2025, which found a reconsideration of the Ministry's decision to administer a portion of the Appellant's monthly disability assistance payment direct to their landlord to pay their rent, is not a decision that may be reconsidered or appealed, under section 16 of the *Employment and Assistance for Persons with Disabilities Act*.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act ("the Act"), sections 5 and 16

Full text of the applicable legislation is found in Appendix A.

Part E – Summary of Facts

The hearing took place on April 11, 2025, as a teleconference hearing.

Information Before the Ministry at Reconsideration

The information the Ministry had at the time of the reconsideration, included:

- The Appellant is a sole recipient of disability assistance, and their monthly rate of assistance includes a \$983.50 support allowance and a \$500.00 shelter allowance, for a total of \$1,483.50. From this amount, \$20.00 is deducted monthly for the repayment of a debt.
- A review of the Appellant's file confirms that they have resided at [the home address] since January 31, 2025, and they are responsible for paying \$1,300.00 monthly rent at this address.
- On January 24, 2025, the Ministry provided a \$1,300.00 crisis supplement to pay their February 2025 rent direct to their landlord at this address.
- On January 24, 2025, the Ministry determined that a portion of the Appellant's ongoing disability assistance must be administered directly to their landlord to pay their rent at [the home address] (beginning in the March 2025 benefit month), as they had demonstrated a pattern of reliance on crisis supplements to pay rent.
- On February 19, 2025, \$850.00 of the Appellant's March 2025 disability assistance benefit was administered directly to their landlord to pay a portion of his \$1,300.00 March rent (as they have declared that \$450.00 of their rent is covered by a rent subsidy through [a support society], for which they have been requested to provide verification).
- The Appellant is requesting a reconsideration of the decision to administer a portion of their monthly disability assistance direct to their landlord to pay their rent.
- The Appellant wrote in their Request for Reconsideration, dated February 23, 2025:
 - "I moved many times because unfortunately I couldn't find suitable places for me; housing is very complex in BC."
 - "If the government ministry takes control of my shelter portion, I won't have freedom anymore to look for further places since my main goal always has been living alone. I also spoke with a supervisor, and they told me that the ministry has modified the way they contact landlords. Some landlords do not rent to people on assistance. I just want to have again the funds since I get \$450 of subsidy for housing. I want the ministry to know that I'm working for time and my situation has changed."

- "Last year was very challenging for me jobwise, and I am dealing with a medical condition that requires attention and flexibility."
- "The ministry if controls where I have to live is not suitable for me this way because I am the one who lives with roommates and felt extremely attacked for being a trans person. What about if I find a cheaper place to live and the ministry refuses to pay me the shelter portion or what if I my landlord don't accept people on welfare. Flexibility in the payment is completely secure, faster and convenient for me. Not All clients have the same life or circumstances."

Additional Information Submitted after the Reconsideration Decision

Notice of Appeal dated March 12, 2025

The Appellant wrote: "because I am trying to get the funds released to me since I'm in process of getting rental subsidy."

Appellant Submissions

On March 25, 2025, the Appellant submitted a letter from the support society, as proof that they are entitled to a housing benefit of \$600 per month and that it can be extended if eligibility is met.

Ministry Submission

The Ministry did not submit any additional information after the Reconsideration Decision.

Evidence Provided at the Hearing

Appellant's Evidence

At the hearing the Appellant stated the following:

- They sought a reconsideration because their circumstances have changed.
- They had the assistance of an Advocate; however, the advocate did not do the work well.
- The Ministry realized that they were not using their benefit appropriately as between the shelter portion and the rest of the benefit.

- They are paying too much in rent and need assistance quickly as they have no job, are going to food banks, and they may have to leave the province and it's a crazy housing situation.
- Yesterday they found a new home to live in for \$950 per month, but they are lacking the funds to make a deposit, and the new landlord requires e-transfers.
- Requiring the money to go directly from the Ministry to the landlord creates a barrier to the Appellant to arrange affordable housing. They need flexibility and an ability to act quickly, which the Ministry's process frustrates.
- They recently succeeded in getting a \$600 per month housing subsidy as of April 1, 2025.
- They described the frustrations experienced in trying to effectively work with the Ministry, and they are working, going to school and trying to make their living situation more stable.
- They were asked by the Panel why housing has been so unstable. They responded that they are lacking a long-term place to stay, and they have had a few very bad housing situations with multiple people in one room, where their property is unprotected, and they are treated poorly due to their sexual orientation. Many landlords are unwilling to take disability assistance benefit recipients and people with sexually diverse identities.
- They are currently living in a hotel.

Ministry's Evidence

There was no Ministry representative at the hearing:

Admissibility of New Evidence

The Panel finds the Appellant's testimony during the hearing, along with their written evidence provided on appeal, to be reasonably required for a full and fair disclosure of matters related to the decision under appeal. The Panel admits this evidence under Section 22 (4) of the *Employment and Assistance Act* as it is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

Part F – Reasons for Panel Decision

The issue on appeal is whether the Ministry's decision to deny the Appellant's request for a reconsideration of the decision to administer a portion of their monthly disability assistance directly to their landlord to pay their rent, is reasonably supported by the evidence or is a reasonable application of the legislation in the circumstances of the Appellant.

That is, was the decision that no reconsideration or appeal is allowed under section 16 of the *Act* reasonable, considering the previous evidence and any new evidence not previously available to the Ministry?

Appellant's Position

The Appellant stated that they want to continue to receive the full amount of the monthly disability assistance and to retain control over its disbursement. This will allow them to have flexibility to meet their shelter needs in a very expensive and complex housing market in this province and allow them to respond more quickly than the Ministry is able to secure stable long-term housing. The Appellant's position is that the Panel can provide relief from the Ministry's need to control the payment of rent to Appellant's landlord.

Ministry's Position

On January 24, 2025, the Ministry decided that a portion of the Appellant's ongoing disability assistance must be administered directly to the landlord to pay rent, as the Appellant has demonstrated a pattern of reliance on crisis supplements to pay rent. The Appellant requested a reconsideration of this decision to have the Ministry pay the landlord its rent. However, the Ministry states it is unable to conduct a reconsideration of this matter. Under section 16(1)(a) of the *Act*, a person may request the Ministry to reconsider "*a decision that results in a refusal, discontinuance, or reduction of disability assistance, ...made under the Act*". The Ministry has provided the full rate of disability assistance that the Appellant is eligible to receive, and no portion of their monthly disability assistance benefit has been denied, discontinued or reduced, due to the Ministry's decision to administer a portion of these benefits directly to the Appellant's landlord. As the legislative requirements under section 16 (1) of the *Act* have not been met, no reconsideration is available to the Appellant.

Panel's Decision

The Appellant is seeking a reconsideration of the Ministry's decision to administer a portion of their monthly disability assistance payment direct to the Appellant's landlord to pay rent. The Ministry denied the Appellant a reconsideration under section 16 (1) of the Act. The section provides that a person may request the Ministry to reconsider a decision that results in a refusal, discontinuance, or reduction of disability assistance, made under the Act. In the Appellant's case, the Ministry has provided the full rate of disability assistance the Appellant is eligible to receive. In no benefit month has any portion of the Appellant's disability assistance benefit been denied, discontinued or reduced due to the Ministry's decision to administer a portion of these benefits direct to the Appellant's landlord. While \$850.00 of the March 2025 disability assistance benefit was sent to the Appellant's landlord to pay the rent directly, this amount was still issued on the Appellant's behalf to pay for their shelter expenses, regardless of whether the shelter amount was paid to the Appellant or their landlord. Therefore, the Panel finds that the Ministry's decision not to reconsider its decision was a reasonable application of the legislation in the Appellant's circumstances. A reconsideration is not an available remedy to the Appellant where the legislative requirements under section 16 (1) of the Act have not been met. Therefore, no reconsideration decision is available to the Appellant.

Conclusion

The Panel confirms the Ministry's Reconsideration Decision, and the Appellant is not successful in their appeal.

Relevant Legislation

Employment and Assistance for Persons with Disabilities Act

Disability assistance and supplements

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

Part 3 — Appeals

Reconsideration and appeal rights

16 (1) Subject to section 17, a person may request the minister to reconsider any of the following decisions made under this Act:

- (a) a decision that results in a refusal to provide disability assistance, hardship assistance or a supplement to or for someone in the person's family unit;
- (b) a decision that results in a discontinuance of disability assistance or a supplement provided to or for someone in the person's family unit;
- (c) a decision that results in a reduction of disability assistance or a supplement provided to or for someone in the person's family unit;
- (d) a decision in respect of the amount of a supplement provided to or for someone in the person's family unit if that amount is less than the lesser of
 - (i) the maximum amount of the supplement under the regulations, and
 - (ii) the cost of the least expensive and appropriate manner of providing the supplement;
- (e) a decision respecting the conditions of an employment plan under section 9 [employment plan].

(2) A request under subsection (1) must be made, and the decision reconsidered, within the time limits and in accordance with any rules specified by regulation.

(3) Subject to a regulation under subsection (5) and to sections 9 (7) [employment plan], 17 and 18 (2) [overpayments], a person who is dissatisfied with the outcome of a request for a reconsideration under subsection (1) (a) to (d) may appeal the decision that is the outcome of the request to the tribunal.

(4) A right of appeal given under subsection (3) is subject to the time limits and other requirements set out in the Employment and Assistance Act and the regulations under that Act.

(5) The Lieutenant Governor in Council may designate by regulation

- (a) categories of supplements that are not appealable to the tribunal, and
- (b) circumstances in which a decision to refuse to provide disability assistance, hardship assistance or a supplement is not appealable to the tribunal.

Employment and Assistance Act,

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.

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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

Bill Farr

Signature of Chair

Date (Year/Month/Day)

2025/04/13

Print Name

Ken Smith

Signature of Member

Date (Year/Month/Day)

2025/04/13

Print Name

Julie Iuvancigh

Signature of Member

Date (Year/Month/Day)

2025/04/16