

Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction ("Ministry") dated May 9, 2025. The Ministry decided that the Appellant was not eligible for a moving supplement pursuant to the Employment and Assistance for Persons with Disabilities Regulation section 55.

The Ministry found that the Appellant does not have the resources to pay for moving costs. However, the Ministry also found that:

- The moving costs were not incurred to relocate the Appellant; therefore the move does not meet the definition of moving cost pursuant to section 55 (1) of the Employment and Assistance for Persons with Disabilities Regulation.
- The Appellant did not move for confirmed employment, to relocate to another province or country to improve living circumstances, because she was compelled to vacate current accommodations, to significantly reduce shelter costs or avoid an imminent threat to physical safety.
- The Appellant did not explain why she was unable to contact the Ministry via phone or through the My Self Serve portal to inform it of her move prior to moving and obtain pre-approval.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act ("the Act"), section 5.

Employment and Assistance for Persons with Disabilities Regulation ("the Regulation"), section 55.

The relevant legislation is found at the end of this decision in Appendix A.

Part E – Summary of Facts

Evidence at Reconsideration

- Undated letter from the Appellant which stated the following:
 1. Last year (2024) she had a moving company move essential items from one city to another and then move remaining items to storage (items such as photos and child's childhood belongings) to storage to another city. This was to preserve personal effects as indicated in Section 55(1)(b) of the Regulation.
 2. Now that she has an environment that is able to preserve these items she had them moved.
 3. She had to move by March 2025 since the place they were stored was sold as indicated in Section 55 (2) (c) (i) of the Regulation.
 4. Her father paid for the move in 2024 and he passed away in October 2024 which is why she had to pay out of pocket.
 5. She has multiple loans and no more money.
- Receipt for an Interact transaction for \$687.26 dated February 20, 2025.
- An invoice dated February 20, 2025 showing a paid balance of \$704.53.
- Handwritten note from the Appellant stating that she has 6 quotes for the move, one for \$480.00.
- Quote dated February 12, 2025 for \$411.59 from a moving and storage company.
- An Interact receipt dated February 20, 2025 for \$654.53.
- Request for Reconsideration, signed and dated April 25, 2025, which stated that:
 1. As someone who has PWD designation, she understood that she would receive assistance with moving her personal property from her deceased father's home to her place of residence.
 2. The family home was sold and there was a short time to make the moving arrangements.
 3. She used the least expensive moving company and submitted invoices.
 4. She was told that she would not be reimbursed since she did not submit her quotes in advance.
 5. She was ill and unable to visit the office to submit the quotes in advance.
 6. She is on a fixed income and this is causing her financial strain.

Evidence on Appeal

A Notice of Appeal signed and dated May 20, 2025. The Appellant stated that the Ministry is unaware of the full move in 2024 and that she hired a moving company to move her stuff to two locations in the same move.

The Panel finds that the Notice of Appeal contains the Appellant's argument and has accepted it as such.

Evidence at the Hearing

At the hearing, the Appellant reiterated the information provided in the Request for Reconsideration and Notice of Appeal. To this the Appellant added, in part, the following:

- She did not know she had to tell the Ministry that she stored items at her father's home.
- She stored items at her father's home to avoid paying storage fees.
- There was limited time to move the stored items plus her inheritance as her father passed away and the home was up for sale.
- She did not get pre-approval from the Ministry because she was unwell, her father's illness and eventual death was too much to bear, she was living a transient lifestyle while looking for a safe place to live, and she suffers from auditory processing challenges.
- The Ministry is able to provide approval after the fact.
- When looking at Section 55 (2)(c)(i) of the Regulation, she thought she would qualify for the moving supplement.
- She had to get a loan to pay for the moving costs.
- She does not have the capacity to read and interpret the legislation as it is wordy and complex.
- A moving company had to be hired because some of the items would not fit in a typical vehicle and would require multiple trips.

In response to questions, the Appellant stated the following:

- Her father passed away in October 2024 and the home was up for sale in 2025.
- In March 2024, she stored items at her father's home such as mementos from her son's childhood.
- From March 2024 to November 2024, she moved approximately 16 times before finding a safe place. At times she moved due to safety and cleanliness issues and at times due to personality differences between her and her roommates.
- Each of the approximately 16 moves were necessary but she did not request any moving cost supplement because she only had 2 suitcases as her things were stored safely at her father's home.
- The original move in March 2024 was due to the demise of her marriage.

At the hearing, the Ministry relied on its Reconsideration Decision. The Ministry added the following:

- The Ministry explained that if someone had to move unexpectedly for whatever reason and had to store some of their personal belongings in temporary storage before moving those items to a more permanent home, then the ministry would pay for the moving costs to the temporary storage location as well as the moving cost from that storage location to the more permanent home.
- The Ministry does not pay for long-term storage.

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- If pre-approval of a move was not obtained, the Ministry can make an exception for exceptional circumstances such as a move required to avoid abuse.

Admissibility of Additional Information

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

The Panel found that the Appellant's and Ministry's testimony at the hearing provided additional detail or disclosed evidence that provides a full and fair disclosure of all matters related to the decision under appeal. The Panel has admitted this new evidence as 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, or benchmark, of reasonableness - even if the Panel might disagree with the outcome. The standard applied is whether the applicable laws were reasonably applied and whether the evidence was also reasonably applied in the circumstances at appeal.

The issue on appeal is whether the Ministry's Reconsideration Decision, which found that the Appellant is not eligible for a moving supplement, was reasonably supported by the evidence or was a reasonable application of the legislation.

The Appellant's Position

The Appellant stated that she meets the legislative requirements to qualify for a moving supplement:

- She moved items into storage, such as photos and childhood belongings to preserve them. This was to preserve personal effects as required by Section 55(1)(b) of the Regulation.
- She had to move by March 2025 since the place her items were stored at was sold which meets the requirements of Section 55 (2) (c) (i) of the Regulation.
- She could not inform the Ministry of her move in advance and obtain pre-approval because the home sold quickly and she was ill which meets the requirements of section 55 (3) (3.1) of the Regulation.

The Ministry's Position

The Ministry stated that the Appellant is not eligible for a moving supplement because:

- The moving costs were not incurred to relocate the Appellant; therefore the move does not meet the definition of moving cost pursuant to section 55 (1) of the Regulation.
- The Appellant did not move for confirmed employment, to relocate to another province or country to improve living circumstances, because she was compelled to vacate current accommodations, to significantly reduce shelter costs or avoid an imminent threat to physical safety as required by section 55 (2) of the Regulation.
- The Appellant did not explain why she was unable to contact the Ministry via phone or through the My Self Serve portal to inform it of her move prior to moving and obtain pre-approval as required by section 55 (3) (3.1) of the Regulation.

Panel Decision

Section 55(1)

Section 55(1) states that 'moving cost' is defined as (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. The Panel finds that the legislation defines 'moving

costs' as moving the family and the family's personal effects. In this case, the evidence demonstrates that the Appellant moved personal effects from her father's home to a storage facility and the family unit did not move. The Panel also finds that the Appellant's argument that she moved items to preserve them does not meet the legislation's definition of 'moving costs'. The legislation requires that the personal effects may be stored for preservation *while* the family unit is moving. In this case, the Appellant's family did not move, she only had items moved into storage. As such, the Panel finds that the Ministry was reasonable in its finding that the Appellant's request for a moving cost supplement does not meet the requirements of section 55 (1) of the Regulation.

Section 55(2)(c)(i)

Section 55 (2) (c) (i) of the Regulation allows the Ministry to cover the costs of moving if the Appellant had to vacate the family unit's rented residential accommodation due to the accommodation being sold. The evidence demonstrates that the Appellant's belongings were stored at her father's home which was sold after he passed away. The Panel finds that the evidence does not demonstrate that the Appellant's father was a part of her family unit or that the Appellant was renting space in her father's home for residency. As such the Panel finds that the home that was sold was not the Appellant's rented residential accommodation. As a result, the Appellant does not meet the requirements of section 55 (2) (c) (i) of the Regulation. The Panel finds that the Ministry was reasonable in its finding that the Appellant's request for a moving cost supplement does not meet the requirements of section 55 (2) (c) (i) of the Regulation.

Section 55(3)(3.1)

Section 55 (3) (3.1) of the Regulation allows the Ministry to reimburse moving costs if pre-approval was not obtained in advance if it is satisfied that exceptional circumstances existed at the time. The Appellant stated that her father's home sold quickly and that she was ill at the time. She also stated that she was living a transient lifestyle and she has auditory processing challenges. For these reasons she was unable to visit the Ministry office to supply the moving cost quotes. The Ministry stated that the Appellant could have submitted the moving cost quotes via the My Self Serve portal or phoned the Ministry to inform them of the impending move. The Panel finds that no information was submitted to demonstrate that there were exceptional circumstances which prevented the Appellant from obtaining approval prior to the move. That is, there is no evidence that her father's home sold quickly, or that she was ill at the time, or that she lived a transient lifestyle. As such, the Panel finds that the Ministry was reasonable when it determined that the evidence does not demonstrate that there were exceptional circumstances that prevented the Appellant from obtaining approval prior to the moving costs being incurred.

Conclusion

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The Panel finds that the Ministry's Reconsideration Decision, which found that the Appellant was not eligible for a moving cost supplement, was reasonably supported by the evidence and is a reasonable application of the legislation. The Panel confirms the decision. The Appellant is not successful on appeal.

Appendix A

The Act states:

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.

The Regulation states:

Supplements for moving, transportation and living costs

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 fulfill 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.

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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: 2025/06/17

Print Name

Vivienne Chin

Signature of Member

Date: 2025/06/18

Print Name

Perihan Sucu

Signature of Member

Date: 2025/06/18