

Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (“Ministry”) dated October 2, 2025, in which the Ministry denied the Appellant’s request for a supplement to pay a security deposit.

The Ministry determined that the request does not meet the criteria set out in subsection 56(2) of the Employment and Assistance for Persons with Disabilities Regulation because the Appellant does not require the supplement to pay a security deposit to enable her to rent residential accommodation at this time.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (the “Regulation”) section 56.

Employment and Assistance Act, section 22(4)

Employment and Assistance Regulation, section 86(b)

The full text of this legislation is in the Schedule of Legislation at the end of the Reasons.

Part E – Summary of Facts

The hearing took place by video conference on October 28, 2025. The Ministry did not attend the hearing. As all parties had been notified of the hearing, it proceeded under the authority of section 86(b) of the Employment and Assistance Regulation.

Evidence Before the Ministry at Reconsideration

- A Residential Tenancy Agreement dated April 1, 2025. The Agreement shows the Agreement starts on April 7, 2025 and is for a fixed term ending on September 30, 2025, with the option to continue on a month-to-month basis thereafter. The monthly rent is \$3,390 and a security deposit of \$1,695 are both required by April 7, 2025.
- A Request for Reconsideration signed by the Appellant on September 8, 2025. The reasons for the requested are summarized below:
 - She borrowed the money for the security deposit from a friend, and she has to pay it back.
 - She is not currently working.
 - She opened up an account so her father could send her money to help pay debts and rent until she got a job. As soon as she receives money in that account, she transfers it to a deposit only account so nothing can be taken out without the bank's knowledge.
 - She has a police file because she had been assaulted and is afraid to lose the safety of her home.

The Reconsideration Decision

In the Reconsideration Decision, the Ministry provided the following background and determination (summarized):

- The Appellant requested a supplement for a security deposit on August 21, 2025, and was denied because she had moved into the residence in April 2025 and had already paid the security deposit.
- The request for a security deposit does not meet the legislative criteria because the security deposit was not necessary to enable her to rent residential accommodation at this time.

Information submitted after the Reconsideration Decision

On the Notice of Appeal, the Appellant wrote (summarized):

- She has received a ten-day notice of eviction.
- She reached out to the Ministry back in April to discuss her new intent to rent but her phone had been hacked, and they did not get her intent to rent.
- The police have opened up a 9-year case because someone tried to kill her.
- She borrowed the money for the security deposit.
- She wouldn't have a problem paying her rent this month, and not face eviction, if she could receive her security deposit.
- She is looking for a cheaper place to rent.

Testimony at the HearingAppellant's Testimony

The Appellant stated that she had fallen behind in paying rent and got an eviction notice in September for missing her rent. The Ministry gave her emergency funds. The Appellant did not even receive her October disability assistance until recently and she used it as well as her November disability assistance to pay her October rent. Now she does not have any funds to pay her November rent.

The Appellant stated that if the Ministry had given her the \$750 she had requested, she would not have received an eviction notice. The Panel asked the Appellant to clarify why she is requesting \$750 from the Ministry rather than the \$1,695 indicated as the amount required as a security deposit. The Appellant explained that back in April when she was looking to rent, she sent the intent to rent paperwork through the society that is administering her disability assistance. She stated that she does not contact the Ministry directly, that it is done through third party administration. The Appellant stated that her phone had been hacked, and she was not aware that the paperwork she submitted to the society had not been received. She stated that because it all happened so quickly and she needed somewhere to stay that she received \$1,695 from her father and another \$750 or \$800 from a friend. The Appellant's father passed away last year, but she had still been receiving money from him. The Appellant stated that the money has run out and she no longer gets help from him. The Appellant stated that she must still pay the friend back the \$750 at some point.

The Panel asked the Appellant about whether she received an eviction notice as it was not in the record of appeal. She stated that she had received one in September and got emergency assistance from the Ministry. She then caught up her October rent last week with her last disability assistance, but she is now facing another eviction as she cannot pay her November rent.

The Panel asked the Appellant how she pays \$3,390 monthly rent when her disability assistance is \$1,500. The Appellant stated that her father had been helping her, and she had hoped to return to work. If she was working, she could afford the rent.

The Panel asked the Appellant to review the Ministry's Reconsideration Decision and asked whether she had anything she would like to comment on regarding the decision.

The Appellant reviewed the final decision statement and stated that the Ministry denied her because she had already moved in, but they did not take into consideration that she had borrowed the money to move in. The Appellant believes that she is still entitled to a security deposit because she never received it. She stated that the Ministry had helped her in the past with security deposits and questions why they could not give her one for this accommodation. The Appellant stated that it is very difficult to get any assistance from the Ministry, and it seems like they don't care whether a person is going to be homeless.

Admissibility of New Evidence

The Panel is authorized under section 22(4) of the *Employment and Assistance Act* to consider evidence in addition to the information the Ministry had at the time of the Reconsideration Decision if it is reasonably required for a full and fair disclosure of all matter related to the decision under appeal.

The Appellant provided an update regarding the eviction notice she received in October, and stated that she may be served with another in November if her rent is not paid. The Panel finds that this additional information emphasizes the difficulties that the Appellant has been facing regarding the accommodation she secured in April 2025 and is reasonably required for a full and fair disclosure of all matter related to the decision under appeal. The Panel finds that the additional information and testimony provided by the Appellant at the hearing is admissible under section 22(4) of the *Employment and Assistance Act*. The Ministry did not provide any additional information.

Part F – Reasons for Panel Decision

The issue on appeal is whether the Ministry's Reconsideration Decision that the Appellant was not eligible for a supplement to pay a security deposit was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant.

Ministry's Position

The Ministry's position is that because the Appellant had already paid the security deposit in April 2025 to enable her to rent her current accommodation, and she has been residing there since then, that the request does not meet the criteria set out in subsection 56(2) of the Regulation.

Appellant's Position

The Appellant's position is that she is entitled to a security deposit because she has not received one from the Ministry for this accommodation. She believes she is eligible for it even if she borrowed the money, which she must repay at some point.

Panel's Decision

Section 56(2) of the Regulation states that the Minister may provide a security deposit to or for a family unit that is eligible for disability assistance if

- (a) the security deposit is necessary to enable the family unit to rent residential accommodation,
- (b) a recipient in the family unit agrees in writing to repay the amount paid under this section, and
- (c) the security deposit does not exceed 50% of one month's rent for the residential accommodation.

The Residential Tenancy Agreement shows the effective date of occupancy is April 7, 2025, provided rent in the amount of \$2,684 for the three weeks of April 2025 and a security deposit of \$1,695 are paid by April 7, 2025. Ongoing monthly rent would be \$3,390 per month. The Appellant confirmed that she borrowed the money for the rent and security deposit and moved into the accommodation in April 2025.

Although the Appellant indicated that she had attempted to request the funds from the Ministry for a security deposit prior to securing the accommodation, there is no evidence in the Appeal Record to support this. The Ministry record indicates that the Appellant

requested a security deposit in August 2025, and because it had already been paid and the Appellant was already residing there, it was therefore not required to secure accommodation.

The Appellant submits that she is entitled to a security deposit when she moves into an accommodation, regardless of whether she has already paid for it by borrowing the money. Subsection 56(2) of the Regulation specifically states that a supplement for a security deposit may be paid if it is necessary to enable the family unit to rent residential accommodation. The Panel interprets this to mean that a supplement for a security deposit may be provided for a person who is seeking to rent an accommodation and that it is required to secure the unit.

For whatever reason, the Ministry did not receive the Appellant's request prior to moving in back in April 2025. The Appellant stated that she had received security deposits in the past from the Ministry which suggests to the Panel that she was aware of the requirement to review the request with the Ministry prior to moving in. Although the Appellant may have borrowed the money to allow her to secure the accommodation, the fact is she did not approach the Ministry again until August 2025 when she had already secured the accommodation and had been residing there for five months. The Panel finds the Ministry was reasonable to determine that the Appellant was not eligible for a supplement for a security deposit because the security deposit was not necessary to enable her to secure residential accommodation.

Conclusion

The Panel finds that the Ministry's Reconsideration Decision that determined that the Appellant was not eligible for a supplement to pay a security deposit was a reasonable application of the legislation in the circumstances of the Appellant. The Panel confirms the Ministry's decision. The Appellant is not successful in the appeal.

Schedule of Legislation

Employment and Assistance for Persons with Disabilities Regulation

Supplement to pay a security deposit

56 (1) In this section, "**security deposit**" means a security deposit as defined in the *Residential Tenancy Act*, or an amount required by a cooperative association to be paid by a recipient to the cooperative association for the same or a similar purpose as a security deposit under the *Residential Tenancy Act*

(2) The minister may provide a security deposit to or for a family unit that is eligible for disability assistance or hardship assistance if

- (a) the security deposit is necessary to enable the family unit to rent residential accommodation,
- (b) a recipient in the family unit agrees in writing to repay the amount paid under this section, and
- (c) the security deposit does not exceed 50% of one month's rent for the residential accommodation.

(3) The minister may recover the amount of a security deposit provided under subsection (2) in accordance with section 74 (2.1).

(4) Repealed. [B.C. Reg. 270/2019, App. 2, s. 11 (d).]

(5) For the purposes of subsection (3), "**security deposit**" includes a security deposit provided on or after April 1, 2002 under the

- (a) Disability Benefits Program Regulation, B.C. Reg. 79/97,
- (b) Income Assistance Regulation, B.C. Reg. 75/97,
- (c) Youth Works Regulation, B.C. Reg. 77/97, or
- (d) Repealed. [B.C. Reg. 270/2019, App. 2, s. 11 (d).]

(6) Repealed. [B.C. Reg. 193/2017, s. 5.]

Employment and Assistance Act

Panels of the tribunal to conduct appeals

22 (1) If a person commences an appeal in accordance with section 21 (1), the chair must appoint a panel consisting of up to 3 members of the tribunal to hear and determine the appeal.

(2) If a panel consists of more than one member, the chair must designate a chair of the panel from among the members of the panel, and if a panel consists of one member, that member is the chair of the panel.

(3) A panel must conduct a hearing into the decision being appealed within the prescribed period either

- (a) orally, or
- (b) with the consent of the parties, in writing.

(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.

Employment and Assistance Regulation

86 The practices and procedures of a panel include the following:

- (a) a party to an appeal may be represented by an agent;
- (b) the panel may hear an appeal in the absence of a party if the party was notified of the hearing;

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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

Janet Ward

Signature of Chair

Date (Year/Month/Day)

2025/10/28

Print Name

Karla Jarvis

Signature of Member

Date (Year/Month/Day)

2025/10/29

Print Name

Rick Bizarro

Signature of Member

Date (Year/Month/Day)

2025/10/28