

Reasons for Decision:

Order # AP1617-0012

The appellant filed an appeal that the appellant was denied moving costs.

The appellant stated that the appellant was living on the second floor of a rooming house and was having an extremely difficult time climbing the stairs to get to the appellant's suite. In addition the kitchen was located on the main floor and the appellant needed to climb the stairs several times a day for food preparation. The appellant provided a note from a doctor stating that the appellant "would benefit from a first floor suite or an elevator unit as the appellant suffers from <text removed> and has difficulty walking". The appellant advised that the appellant's mobility has recently deteriorated and the appellant is beginning to rely on a walker to assist with mobility.

The program advised the appellant that the appellant did not meet the criteria for moving costs and therefore moving costs were denied. The appellant was advised that the criteria for moving costs were moving into a lower rent or subsidized housing, current housing is uninhabitable, change in family size, or closer to confirmed education or employment. The Department also indicated in its rationale that the appellant's medical condition pre-existed the appellant's move in to the accommodation which had stairs.

The appellant's advocate advised that the appellant's current rent is less expensive as previous rent was <text removed> and current rent is <text removed>. As the Department denied the appellant's moving costs the appellant had to find a mover who would agree to move the appellant and then accept payments. The appellant hired a person who charged the appellant \$375. This was not a registered business, but the mover provided a one tonne truck and two movers. The advocate got quotes from additional movers, the first quote was \$411 and the second quote was for a minimum of \$460. The appellant did not have the physical capacity to move the appellant's own belongings.

At the hearing the worker stated that the program was not disputing that the appellant would benefit from living on the main floor. The worker stated that the medical note from the doctor did not request that the program pay for moving costs. The program stated that when the appellant requested moving costs the appellant was going to move to a different location that was higher in rent. The worker also commented that after the appellant had moved the worker requested to do a home visit and the appellant refused. In addition the worker stated that the Department felt the moving costs were quite high, and that they had moved families of four for less. The worker stated that they were still trying to resolve the issue when the appeal was filed. Once the supervisor began to deal with the Fair Practices Office and the advocate, then the

worker had no more involvement.

After carefully considering the written and verbal information the Board has determined that the appellant had a reasonable and justifiable reason for moving and was not physically capable of moving the appellant's own belongings. The provision of moving costs is a completely discretionary decision under The Manitoba Assistance Regulation Schedule A, Section 9, Special Household Needs. The Employment and Income Assistance Administrative Manual has developed policies to establish guidelines for the provision of special needs. With respect to moving costs, the manual states:

An amount up to the actual costs of moving by the most economical means may be authorized where there is reasonable justification for the move, as approved by the Director such as the present residence uninhabitable, change in family size, lower rent at the new location, and closer proximity to confirmed employment or training.

It is the Board's opinion that the appellant's move did have reasonable justification. The appellant's health was deteriorating, the appellant was having difficulty climbing the stairs, and the appellant could not use a walker on the stairs. The appellant provided documentation from a doctor to confirm that this need was legitimate. The Board interprets the use of the words "such as", to mean that they are examples of reasons where a move would be deemed to have a reasonable justification and that they are not exhaustive or all-inclusive. That being said, the Board would consider a second floor suite which is accessible by stairs to be uninhabitable to a person with mobility difficulties who relies on a walker. In addition the new accommodations were at a lower rent than the previous one. The appellant was not given the opportunity to provide the program with the usually required three quotes, as the appellant was not advised of this protocol, but the advocate provided the Board with sufficient data to determine that the appellant's moving costs were significantly cheaper than the going market rate for a move. Therefore the decision of the director has been rescinded, and the Board orders the program to reimburse the appellant for the \$375 the appellant paid for moving costs.

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