

Reasons for Decision:

Order # AP2021-0027

On <date removed>, <name removed> filed an appeal of the Director's decision to close their income assistance file. The date of the decision was <date removed>.

The decision letter sent to <removed name> stated the reason for their file being closed was that information needed to assess their financial eligibility was not received.

At the hearing <removed name> told the Board that he provided the Department with all of the information that had been requested. This included information from their bank with respect to the mortgage for the home in Niagara Falls.

<removed name> indicated that the Department requested they provide it with an appraisal of the house, but they were not in possession of the home at the time of the request. Rather, their estranged spouse was living in the home with their children.

The Department indicated it appeared from the documents provided by <removed name> that they and their estranged spouse co-owned the home in Niagara Falls. The documents provided by <removed name> did not show the current market value for the home, and the Department therefore could not determine their share of the potential proceeds from the sale of the home. Without this information <removed name>'s financial eligibility could not be determined, and their assistance file was closed.

The Board asked <removed name> about the documents they provided with respect to the value of the house. <removed name> responded, indicating they were told that they could provide an income tax statement, which showed how much tax was paid. <removed name> indicated they cannot afford to send an inspector to the house, nor does the appellant believe that their estranged spouse would grant an inspector access to the property. The appellant had a real estate agent provide a quote of the value at which other houses in the area were sold for, which was approximately <amount removed>. <removed name> indicated they did not provide this information to the Department as they have been told that the property tax statement would be sufficient.

In response to a question from the Board, <removed name> indicated when they separated from their spouse, they were to remain living in the house until their children graduated high school. At that time the house would be sold and the proceeds divided.

The Department stated that a property tax statement may be sufficient, as long as it includes the municipality's assessed value of the home.

Based on the information before it, the Board is satisfied that the Department correctly assessed <removed name>'s financial eligibility with the information available to it. The

Board encourages <removed name> to contact the municipality in which the home in Niagara Falls is located, in order to request a copy of the most up to date property tax statement, and to provide this information to the Department for assessment of their financial eligibility.

Based on a careful review of the written and verbal evidence, the Board determines the Department's closure of <removed name>'s file was consistent with the legislation and regulations. The Board confirms the Director's decision to close <name removed>'s assistance file.

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