

Employment and Assistance Appeal Tribunal



Annual Report 2016/17

Impartial and Transparent

Our staff in Victoria



November 2017

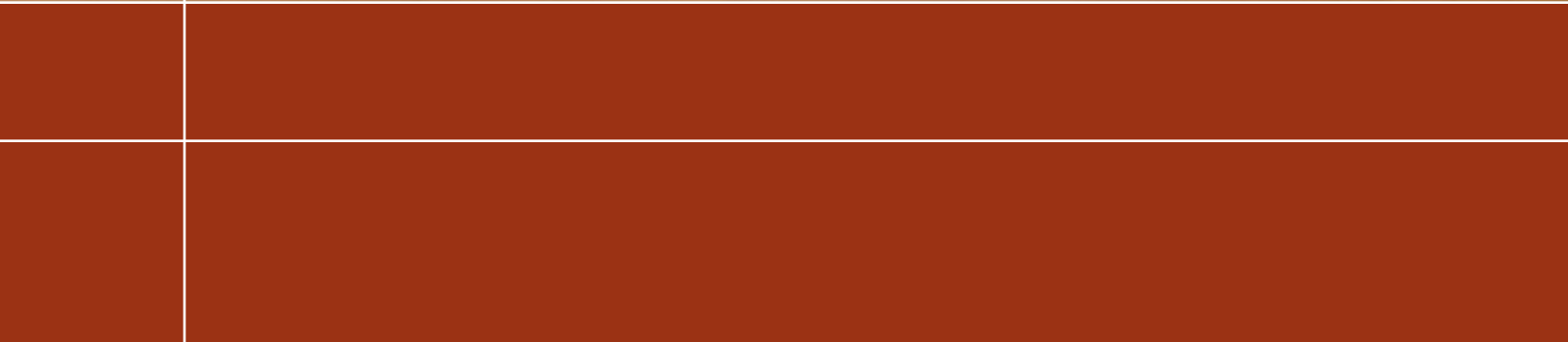
The Honourable Shane Simpson
Minister of Social Development and Poverty Reduction

Dear Minister:

It is my pleasure to present the annual report for the Employment and Assistance Appeal Tribunal of British Columbia covering the period of October 1, 2016 to September 30, 2017. The report has been prepared in accordance with section 20(1) of the *Employment and Assistance Act*.



Marilyn R. McNamara
Chair, Employment and Assistance Appeal Tribunal



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Our Mission

The mission of the Employment and Assistance Appeal Tribunal is to provide an independent and accessible appeal process that delivers timely and fair decisions reviewing Ministry of Social Development and Poverty Reduction determinations in regards to income and disability assistance and Ministry of Children and Family Development determinations in regards to child care subsidies.



Message from the Chair



The Employment and Assistance Appeal Tribunal reports to the Honourable Shane Simpson, Minister of Social Development and Poverty Reduction.

I would like to take this opportunity to report on the Tribunal's progress in meeting

goals set during the previous reporting period.

The Tribunal approached the Ministry of Attorney General to participate in the development of a case management system; however, the ministry was unable to proceed. We continue to explore the possibility of working together.

In moving towards our goal of an electronic appeal process - members have begun to post decisions for review using the Member Portal. To support this, appeal records are either being converted from paper to electronic files or are retained in an electronic format, which will reduce mailing costs and delivery time, increase security of personal information, and, over time, eliminate offsite storage costs.

Recruitment for new members is ongoing. In the past year, fifty percent of applications were received as a result of a "recruitment poster" that was posted in community centres throughout the province. In an effort to continue to attract member in less populated areas, the campaign was expanded to community libraries.

We continue to review the feedback received through our Service Satisfaction Survey. The Survey solicits anonymous feedback from people who participated in the appeal process, both to ascertain their level of satisfaction with the Tribunal's services and to ensure the Tribunal was achieving its mission and values. Results were positive, indicating users were very satisfied with the service and appeal information

provided by the Tribunal. However, the majority of respondents indicated that the Tribunal brochure, "How to Prepare for Your Appeal," was "not" or only "somewhat" helpful. The brochure has been revised to provide greater clarity and continues to advise appellants how to obtain the services of an advocate in their community.

As Vice Chair of the Council of Canadian Administrative Tribunals (CCAT), member of the Access to Justice Committee and Chair of the Professional Development Committee, I participate in developing tools to support access to justice and tribunal excellence and apply these tools to the Employment and Assistance Appeal Tribunal to ensure the delivery of the high quality service essential to fulfil our critical role in society.

As Chair of CCAT's Professional Development Committee, I negotiated a joint agreement with the British Columbia Council of Administrative Tribunals (BCCAT) and co-chaired the Symposium Committee, bringing the CCAT Symposium to British Columbia where it was very successful and well attended by members of BC agencies, boards and commissions.

I would like to thank staff and members, whose efforts support the provision of an efficient, fair, respectful and timely appeal process.

Our Vision

The Employment and Assistance Appeal Tribunal will be known for:

- Providing an independent, ethical, community-based appeal process which is accessible and conducted in a fair, timely and respectful manner.
- Supporting members to provide quality service to promote public confidence in the integrity and competency of the Tribunal.
- Creating a healthy work environment that supports staff to provide quality service and to continually learn and develop knowledge, skills and expertise.



1. Who We Are and What We Do

The Employment and Assistance Appeal Tribunal

The Tribunal was established on September 30, 2002 to hear appeals of most types of decisions made by the Ministry of Social Development and Poverty Reduction under the income assistance and disability assistance programs. Since 2006, the Tribunal also hears appeals of decisions made by the Ministry of Children and Family Development under the child care subsidy program. The Tribunal provides a streamlined and efficient one-step appeal process and is independent of both ministries.

The Tribunal's authority is established under section 19(1) of the *Employment and Assistance Act*.

The Tribunal hears appeals of reconsideration decisions that refuse, reduce or discontinue income assistance, disability assistance or a supplement; reconsideration decisions regarding the amount of a supplement; and reconsideration decisions that refuse to grant hardship assistance under:

- Section 17 of the *Employment and Assistance Act*, and
- Section 16 of the *Employment and Assistance for Persons with Disabilities Act*.

The Tribunal also hears appeals of reconsideration decisions that refuse, reduce or discontinue a subsidy under:

- Section 6 of the *Child Care Subsidy Act*.

The Tribunal consists of a Chair, two Vice Chairs, 10 staff, and, during this reporting period, 98 members located throughout the province. (See Appendix A for a list of staff and Appendix B for a list of members.)

Tribunal Members

Members are appointed by the Minister of Social Development and Poverty Reduction after a merit-based process and consultation with the Tribunal Chair.

Candidates

To be considered for appointment to the Tribunal, a person must have an understanding of the essential elements for the conduct of a fair and objective hearing and the key aspects of the relevant legislation as per section 82 of the *Employment and Assistance Regulation*.

Members commit to respect diversity and are expected to possess the ability to interpret and apply legislation, write decisions in a clear and concise manner, communicate clearly and effectively, and be proficient in the use of computers and common software applications.

The application process is conducted using an interactive online program that provides information to prospective members so that they can acquire and demonstrate the prescribed knowledge and skills prior to consideration for appointment.

The online process enables recruitment from a broader sector of the community and has enhanced the efficiency of the application process. References and criminal record checks are completed prior to a recommendation for appointment.



To ensure independence and that hearings are fair and just, a member must not:

- be or have been an employee of the Ministry of Social Development and Poverty Reduction or the Ministry of Children and Family Development in the past six months,
- be an employee of the provincial government,
- be a recipient of benefits under any of the acts for which the Tribunal has responsibility, or
- have any real or perceived interest in matters that come before the Tribunal.

NOTE: The Tribunal is recruiting new members, specifically from the more rural areas of the province. Anyone interested in being considered for appointment should refer to the Tribunal website, www.eaat.ca, or the Board Resourcing and Development Office website, www.brdo.gov.bc.ca, for information on how to apply.

Members

Members must complete Initial Training before being appointed to hear an appeal with an experienced panel chair who serves as a mentor.

Once members have attended a number of hearings, they complete Decision Writing Training before being assigned the role of panel chair. Once assigned the role of panel chair, a mentor will be appointed to provide support and guidance. Further coaching occurs at the decision review stage to ensure that the decision meets the legislative requirements outlined in section 87(1) of the Employment and Assistance Regulation.

Reappointment of Members

Members are appointed initially for a period of two years and may be reappointed for a further term of two or four years. Member performance is evaluated prior to making recommendations to the Minister of Social Development and Poverty Reduction for reappointment. The Competency Assessment, which clarifies the requirements and expectations of members, is used for coaching and evaluation. In this reporting period, 13 members were reappointed.

“Professionals are not created by hope or desire – but through a combination of some innate ability and study and experience.”

Toronto (City) v. CUPE, Local 79 (1982), 35 OR (2nd) 545 (Ont CA)

The Appeal Process

The Employment and Assistance Appeal Tribunal hears appeals of reconsideration decisions made by the Ministry of Social Development and Poverty Reduction in regards to income and disability assistance and the Ministry of Children and Family Development in regards to child care subsidies. A person must receive a reconsideration decision prior to requesting an appeal from the Tribunal. The appeal process, which is set out in the *Employment and Assistance Act* and Regulation, is the same regardless of which ministry made the reconsideration decision.

A person who applies for or receives assistance under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act* can request reconsideration of a decision that resulted in refusal, reduction or discontinuance of income or disability assistance, or a supplement; a decision regarding the amount of a supplement; or a decision that refuses to grant hardship assistance. More information about the Ministry of Social Development and Poverty Reduction's reconsideration process is available from the ministry's offices by calling 1-866-866-0800 or by visiting their website.

Number of Members by Region



Region 1	Vancouver Island	38
Region 2	Vancouver Coastal	24
Region 3	Fraser	11
Region 4	Interior	19
Region 5	Northern	6
TOTAL		98

A person who applies for or receives a child care subsidy can request reconsideration of a decision that resulted in the refusal, discontinuance or reduction of a child care subsidy. More information about the Ministry of Children and Family Development's reconsideration process can be obtained by calling 1-888-338-6622 and asking to speak with an adjudicator.

Those who are dissatisfied with the outcome of their request for reconsideration from either ministry can, in most cases, appeal to the Employment and Assistance Appeal Tribunal. They must submit a Notice of Appeal form to the Tribunal within seven business days of receiving their reconsideration decision.

Upon receipt of a completed Notice of Appeal, the Tribunal decides whether the matter can be appealed. Considerations include whether the Notice of Appeal was submitted within the prescribed timelines and whether the issue is appealable under the legislation.

If the matter is eligible for appeal, a panel of up to three members is appointed and the appeal is heard within 15 business days from the day that the completed Notice of Appeal was received by the Tribunal. Most hearings are conducted in person, usually in or near the appellant's community. Hearings can also take place by teleconference or, if both parties consent, in writing.

The panel reviews the ministry's reconsideration decision and the appeal record, considers any supporting evidence provided by the appellant or the ministry, and provides a written decision to the Tribunal, generally within five business days of the hearing. This time limit may be extended by no more than 10 additional business days if the Tribunal Chair is satisfied that the panel is making all reasonable efforts to provide its determination in a timely manner, and the best interests of the parties are served by the extension. The Tribunal mails a copy of the decision to the appellant and the ministry within five business days of receiving it from the panel.

NOTE: Summaries of Tribunal decisions from 2016/17 are included in Section 4, "What Our Decisions Look Like." Complete decisions are available on our website: www.eaat.ca

“Those who are dissatisfied with the outcome of their request for reconsideration from either ministry can, in most cases, appeal to the Employment and Assistance Appeal Tribunal.”

The Appeal Process

If a person is dissatisfied with a reconsideration decision from the ministry, he or she may submit a Notice of Appeal to the Employment and Assistance Appeal Tribunal. There are two parties to an appeal: the person requesting an appeal (“appellant”) and the ministry.



A person has **7** business days to submit a Notice of Appeal to the Tribunal with a choice of:

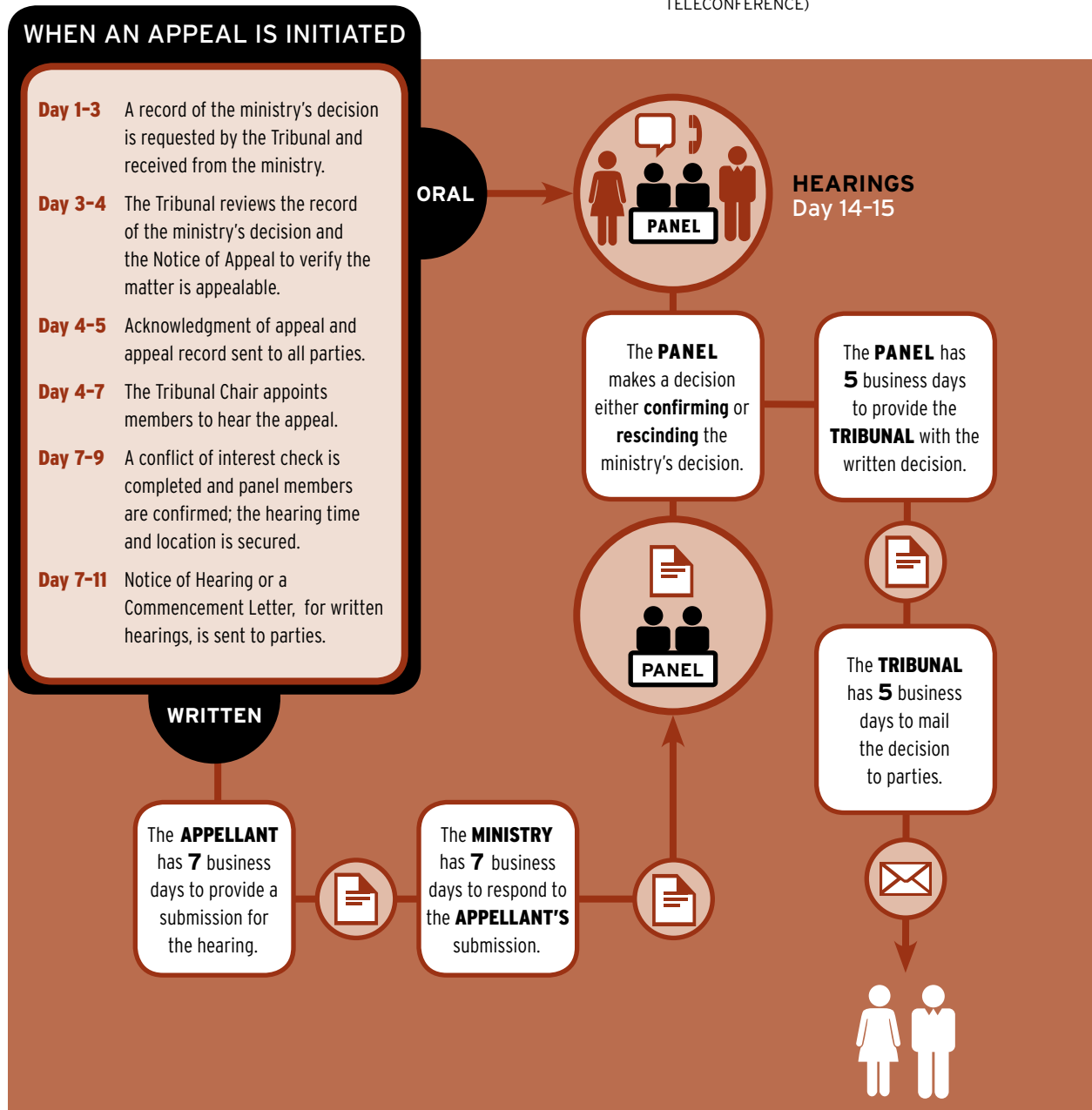


ORAL

(IN PERSON OR BY TELECONFERENCE)



WRITTEN



2. If You Want to Appeal

How to Appeal

If you are dissatisfied with the ministry's reconsideration decision, complete a Notice of Appeal form and submit it to the Employment and Assistance Appeal Tribunal within seven business days of receiving your reconsideration decision.

Type of Hearing

The Tribunal will attempt to accommodate your request for the type of hearing indicated on your Notice of Appeal: oral (in-person or by teleconference) or written. It is not uncommon for in-person hearings to have a member or a party attend by telephone.

Oral Hearing - In Person

If your hearing is proceeding as an oral hearing in person, the Tribunal will send you a Notice of Hearing, which you will receive at least two business days before the hearing is to take place, notifying you of the date, time and location of the hearing. Hearings will usually take place in or near your community. You have the right to call witnesses, make arguments in support of your appeal and present evidence that is in support of the information and records before the minister at reconsideration. You can ask a family member or friend to come with you to the hearing. You can also bring an interpreter. If required, the Tribunal will find an interpreter for you in advance of the hearing.

Oral Hearing - By Teleconference

If your hearing is proceeding as an oral hearing by teleconference, the Tribunal will send you a Notice of Hearing, which you will receive at least two business days before the hearing is to take place. The Notice of Hearing will include the date and time of the hearing, as well as instructions for accessing the teleconference. As in an oral hearing in person, you have the right to call witnesses and make arguments in support of your appeal. Any evidence that you wish to present that is in support of the information and records before the minister at reconsideration should be submitted to the Tribunal in advance of the teleconference so that it can be distributed on your behalf. You can ask a family member, friend or advocate to provide support. If

required, the Tribunal will find an interpreter for you in advance of the hearing.

Written Hearing

If you request a written hearing, and the ministry consents, you will receive a letter that sets out the timelines for the written hearing process. You will have seven business days to provide a written submission that includes reasons and any additional information that is in support of your appeal. If you need more time to provide submissions, you must submit a request for an extension in writing to the Tribunal in advance of your submission due date.

On receiving your submission, the Tribunal will forward it to the ministry which has seven business days to respond. The Tribunal will then forward the appeal record, including the submissions, to the panel for review. You will receive a copy of the ministry's submission.

After the Hearing

The panel will provide the Tribunal Chair with a written decision within five business days of the conclusion of the hearing. Upon request of a panel chair, the Tribunal Chair may extend the time limit by no more than 10 additional days if satisfied that the panel is making all reasonable efforts to provide its determination in a timely manner, and the best interests of the parties are served by the extension. The panel will either confirm or rescind the ministry's decision. The Tribunal will mail a copy of the decision to the parties within five business days of receiving it from the panel. Decisions will not be provided over the telephone.

The Tribunal decision is the final; however, you can file a petition in the BC Supreme Court asking a judge to review it. This is called a judicial review. Generally, this must be done within 60 days of the decision. If you have a concern about the conduct of an appeal or any interaction with the Tribunal, you can make a complaint in writing to the Tribunal Chair. As well, if you believe you were treated unfairly by the Tribunal you can contact the Office of the Ombudsperson.

This Tribunal brochure is included with every reconsideration decision denying the request.

This Tribunal brochure is sent to every appellant on acceptance of their Notice of Appeal.

How to Appeal...

**You only have
7 Business Days**

If you are dissatisfied with the ministry's reconsideration decision:

1. Complete and submit the Notice of Appeal form to the TRIBUNAL
MAIL: PO Box 9994 Stn Prov Govt
Victoria BC V8W 9R7
FAX: Toll free 1-877-356-9687
in Victoria 250-356-9687
EMAIL: info@eaat.ca
2. It must be received by the Tribunal within 7 business days of receiving your ministry reconsideration decision or you will lose your right of appeal.
3. You can send information to support your appeal to the Tribunal after your Notice of Appeal form has been submitted.

Notice of Appeal forms are available from the Tribunal and the ministry, as well as online.

**If you have questions, contact the
Employment and Assistance
Appeal Tribunal**

TEL: Toll free **1-866-557-0035**
In Victoria **250-356-6374**

WEB: www.eaat.ca

MARCH 2017

Employment and Assistance Appeal Tribunal

How to Prepare for Your Appeal



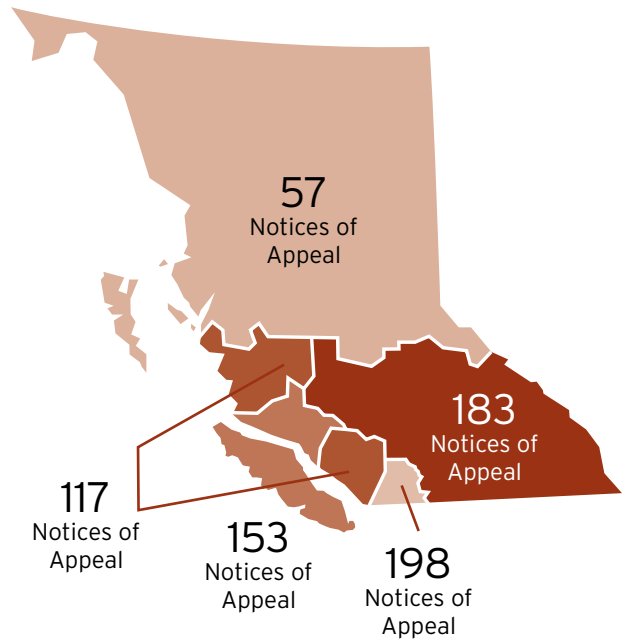
3. How We Did in 2016/17

Meeting the timelines established by the legislation is one way of measuring the Tribunal’s performance. The Tribunal must hold a hearing within 15 business days of receiving a Notice of Appeal; a party must receive a notice of hearing at least two business days prior to the hearing; the panel must provide the decision to the Tribunal Chair within five business days of the hearing and the Tribunal must mail the decision to the parties within five days of receiving it from the panel. The Tribunal met all the legislative timelines in this reporting period.

Summary of Appeals Statistics

Notices of Appeal Received	708
Appeals Assessed as Not Within the Jurisdiction of the Tribunal (did not proceed to hearing)	55
Appeals Dismissed by the Parties (before or during hearing)	44
Files Carried Over (Appeals opened between 01/10/2016 and 30/09/2017 and not closed, heard or rejected by 30/09/2017)	42

Notices of Appeal by Region



Region 1	Vancouver Island	153
Region 2	Vancouver Coastal	117
Region 3	Fraser	198
Region 4	Interior	183
Region 5	Northern	57

Notices of Appeal by Type

20 Business Days	15
Crisis Supplement	79
Disabilities - Persons with Disabilities-Designation	226
Disabilities - Persons with Persistent Multiple Barriers (PPMB)	28
Eligibility - Deductions on Income/Earnings Exemptions	3
Eligibility - Dependency/Living Arrangements	9
Eligibility - Excess Assets	5
Eligibility - Excess Income	36
Eligibility - Failure to Accept/ Pursue Income/Assets	2
Eligibility - Failure to Provide Information/Verification	15
Eligibility - Full Time Student	4
Eligibility - Residency	4
Eligibility - Shelter Allowance	9
Eligibility - Undeclared Income/Assets	6
Employment - Dismissed/Quit/Refused Employment	1
Employment - Employment Plan/Failure to Look for Work	55
Employment - Requirement for Two-Year Financial Independence	2
Employment - Three Week Reasonable Work Search	1
Health Supplements - Orthoses	8
Health Supplements - Dental Supplement	15
Health Supplements - Diet/Natal Supplements	3
Health Supplements - MSP/Other Health Supplements	2
Health Supplements - Medical Equipment	42
Health Supplements - Medical Supplies	8
Health Supplements - Medical Transportation	13
Health Supplements - Monthly Nutritional Supplement (MNS)	34
Health Supplements - Short-Term Nutritional Supplement Products	3
Health Supplements - Therapies	6
Moving Supplement	21
Other - CIHR/under 19	1
Other - Child care	5
Other - Hardship	1
Other - Other	46

Appeal Outcomes

The total number of Notices of Appeal received differs from the number of appeals closed because of files carried over from the previous year or into the following year and various other factors. The number of decisions confirmed and rescinded may not equal the number of appeals heard for the same reason. The following statistics relate to appeal files that were closed in this reporting period.

Ministry of Social Development and Poverty Reduction

Appeals heard	614
Decisions confirmed	576
Decisions rescinded	36

Ministry of Children and Family Development

Appeals heard	6
Decisions confirmed	6
Decisions rescinded	0

Judicial Review Outcomes

Drouin and Sipes v. British Columbia, 2017 BCSC 780

This was a judicial review of a Tribunal decision upholding a ministry finding that the appellant was liable for repayment of disability assistance for the period October 2008 to April 2013 as a result of having assets in excess of the statutory limit. The appellant owned her own home and was a joint tenant on a second property. The appellant argued that it was unfair to order the repayment of disability assistance in view of her medical conditions and other factors. The Supreme Court concluded that the Tribunal carefully reviewed the evidence and determined that the appellant owned assets which made her ineligible for assistance for the period in question. As the Tribunal did not make a patently unreasonable decision, the Supreme Court concluded that there was no basis to interfere and dismissed the petition.

4. What Our Decisions Look Like

CASE 1

Health Supplements - Medical Equipment

Ministry Decision

Denied a non-conventional glucose meter

Summary of Facts

The ministry recognized that a continuous glucose monitoring meter, which is included in the legislation under “non-conventional glucose meter (NCGM)” would enable the appellant to more easily identify trends in blood glucose levels and make more informed decisions with his insulin requirements. However, the ministry determined that the appellant was able to monitor glucose levels through frequent testing with a conventional glucose meter and that the NCGM was not medically essential as required by section 3.12(2)(a) of Schedule C, of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Further, section 3.12(2)(b) requires that the appellant be unable to use a conventional glucose meter in order to be eligible for a NCGM and the ministry had not received information that the appellant was unable to use a conventional glucose meter.

The appellant’s doctor wrote that the appellant requires a NCGM for his Type 1 Diabetes because the device is “medically necessary...to control his diabetes adequately now and in the future.” The doctor highlighted the inadequacy of the appellant’s current “glucometer” checking system and emphasized that “it is inadequate for maintaining his blood sugar control and preventing or reducing numerous complications of diabetes.”

Tribunal Decision - ministry decision rescinded

Reasons for Decision

The issue on appeal was whether the ministry decision that denied the appellant a NCGM under section 3.12 of Schedule C, EAPWDR was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Section 3.12(2)(a) of Schedule C EAPWDR requires the minister to be satisfied that the NCGM is medically essential to test blood glucose levels. Section 3.12(2) (b) of Schedule C EAPWDR requires that the person be unable to use a conventional glucose meter.

The ministry determined the NCGM was not medically essential to test blood levels as the appellant was able to use a conventional glucose meter. However, the panel found that the doctor repeatedly indicated the appellant’s current glucose meter was not sufficient to adequately monitor and maintain the appellant’s blood sugar levels. The doctor had also described the NCGM as being medically essential for control of the appellant’s diabetes. Based on the doctor’s description of the inadequacy of the current glucose meter and the need to test and maintain the appellant’s blood sugar levels in order to prevent or reduce complications, the panel determined that the ministry was unreasonable to conclude that the NCGM was not medically essential to test the appellant’s blood glucose levels.

Additionally, the panel concluded that the ministry was unreasonable in determining that the doctor's information did not establish that the appellant was unable to use a conventional glucose meter. The panel concluded that the phrase "unable to use a conventional glucose meter" reasonably includes circumstances where a person is unable to use a conventional glucose meter to adequately test blood sugar levels. In reaching this conclusion, the panel noted that one of the two types of glucose meters provided under section 3.12 is "a continuous glucose monitoring meter" and that the inclusion of this type of glucose meter reflected recognition by the legislators that some diabetics are unable to adequately monitor blood sugar levels without continuous monitoring and that a glucose meter which only allows for monitoring at intervals cannot be used for this purpose.

The panel found that the ministry's decision to deny the appellant funding for a NCGM under section 3.12 of Schedule C, EAPWDR was not reasonably supported by the evidence and rescinded the decision.

CASE 2**Child Care Subsidy****Ministry Decision**

Reduction of Child Care Subsidy

Summary of Facts

The appellant indicated on the Child Care Subsidy Request to Renew form that she needed child care to look for work and noted the hours and days spent on this activity as Monday to Friday, 12:00 - 2:00 pm. The previous year her child was diagnosed with Autism Spectrum Disorder. She now attends lengthy meetings with him as well as spending time with activities at home and at school. The appellant's spouse is a full time student.

Tribunal Decision - ministry decision confirmed

Reasons for Decision

The issue on appeal was whether the ministry decision that reduced the appellant's child care subsidy was a reasonable application of the legislation in the circumstances of the appellant or was reasonably supported by the evidence.

The appellant argued that she needed an exemption from the reduction of her child care subsidy. The number of hours she initially indicated she could spend searching for work changed once her son was diagnosed with Autism. Now her time is spent meeting with health care providers for treatment and therapy and as a consequence, she can only look for work for two hours a day.

The ministry argued the appellant's application indicated she was available to look for work two hours a day. As she qualified for a child care subsidy under Section 3(2)(b)(ii) of the Child Care Subsidy Regulation (CCSR), seeking employment, that is the amount of child care subsidy she is qualified to receive.

Section 3 of the CCSR lists the circumstances in which a subsidy may be provided. Section 3(2)(b)(ii) of the CCSR states the child care must be needed for the following reasons - in a two parent family, one parent attends an educational institution and the other is seeking employment.

The panel found that as the appellant was seeking employment for two hours a day, the ministry's decision that she was only eligible for day care for those two hours was a reasonable application of the legislation in the circumstances of the appellant and confirmed the decision.

CASE 3**Crisis Supplement****Ministry Decision**

Not eligible for a crisis supplement for shelter as it was not required to meet an unexpected expense and there were resources available to the family unit.

Summary of Facts

The appellant stated he was renting from a woman who was a tenant of a two bedroom basement suite. He obtained a room in the basement suite by responding to an ad on Craigslist. He never met the owner of the house and was told by the woman from whom he sublet that he would have to be away from the house when the landlord came over as the landlord was of a different ethnicity and there might be some unpleasantness. He lived there one month and expected to be there for the month of February but when he returned from watching a soccer game, all his belongings were in the front yard with a note from the woman stating the house was being demolished. This was the first and only indication that he had to leave and that the house was being demolished. He already paid \$600 rent for February and contacted the police when the rent was not returned. After obtaining new accommodation, he went back to the house several times and there was no indication the house was being demolished. He repeatedly telephoned the woman he had sublet from but his calls never went through.

Tribunal Decision - ministry decision rescinded**Reasons for Decision**

The issue on appeal was whether the ministry decision to deny the appellant's request for a crisis supplement for shelter as he did not meet the requirements of Section 57(1)(a) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) was reasonably supported by the evidence or a reasonable application of the legislation in the circumstances of the appellant.

The ministry argued that the woman to whom the appellant paid rent confirmed the house was being demolished and that she had returned his rent on January 30th. Given this, the appellant had resources to pay February rent. Further, rent was an expected expense and thus the criteria for a crisis supplement under Section 57(1)(a) EAPWDR were not met.

The appellant argued that the rent was not returned to him, the house was not demolished, and there was no Notice of Demolition posted. He paid rent once for February and did not expect to have to pay it again nor did he have the resources to do so.

Section 57(1)(a) EAPWDR requires that a crisis supplement be needed to meet an unexpected expense. Whether or not rent in this case became an unexpected expense hinges on whether the appellant already paid rent, was not reimbursed, and had to pay rent a second time for the same month. The woman who sublet the room to the appellant assured the ministry that she repaid the appellant. The appellant stated that he was not reimbursed. In addressing this conflict the panel gives more weight to the appellant's testimony because there was no receipt submitted to indicate the February rent was returned, no documentation that a Notice of Demolition was issued and, the ministry acknowledged it received a copy of the police report. Consequently, the panel accepts that the February rent was not returned to the appellant.

The panel determined the ministry's decision that a crisis supplement for rent for February was not an unexpected expense and that the appellant had resources as per Section 57(1)(a) EAPWDR was not a reasonable application of the legislation in the circumstances of the appellant.

Our Organizational Values

In carrying out its mission, the Employment and Assistance Appeal Tribunal is guided by the following values:

- Fairness
- Impartiality
- Excellence
- Efficiency
- Timeliness
- Accessibility
- Accountability
- Transparency
- Independence



5. Looking Forward

It is in looking forward to the coming year that goals are set.

For several years, a goal of the Tribunal has been to develop a modern case management system that can be adapted by other tribunals and allow member access without or with minimum yearly licensing fees. Capital funds have been approved and it is anticipated that the project will move forward in the next reporting period.

Transitioning to an electronic process for appeals - with the exception of appellants who may wish to continue to receive paper copies of records - is a gradual process, requiring the development of policies, procedures and user guides. As well, members and staff require time to familiarize themselves with the new system and processes. Our goal by the end of the next reporting period is to have more members utilizing the Member Portal to access appeal records and communications in electronic format. Currently, they are using the Member Portal for posting decisions for panel review.

The Tribunal continues to recruit throughout the Province of British Columbia to ensure oral in-person hearings can be held in or near the appellant's community. Recruitment posters will again be sent to community centers as it was a very successful initiative. The Tribunal will also recruit from the BC Law Society and Canadian Bar Association, BC Branch.

Workshops will be presented to members nearing completion of their initial two year term to review practices and procedures and decision writing. A training session will be developed for mentors in utilizing the Competency Assessment for coaching new members. Many experienced members mentor new members and those just beginning to write decisions.

As Chair, I firmly believe that the decisions made involving members of the public should be fair and principled. This drives my ongoing participation with the Council of Canadian Administrative Tribunals and the British Columbia Council of Administrative Tribunals. In the coming reporting period, work will continue on the development of an online course for staff on the practical aspects of administrative justice and an adjudicator training course for members of agencies, boards and commissions.

Glossary

act the *Employment and Assistance Act*

appeal record Initially, the appeal record for the Tribunal consists of the Notice of Appeal and the record of the ministry decision. As the appeal progresses, it also includes submissions, any additional information admitted into evidence at the hearing, and the Tribunal decision.

appellant a person who commences an appeal under section 21 of the *Employment and Assistance Act*

business day a day other than Saturday, Sunday, or a statutory holiday

independent the activities of the Tribunal are separate and operate at “arms length” from both ministries

members a member of the Tribunal appointed by the Minister of Social Development and Poverty Reduction under section 19(2)(c) of the *Act*

minister the Minister of Social Development and Poverty Reduction or the Minister of Children and Family Development, depending on context

ministry the Ministry of Social Development and Poverty Reduction or the Ministry of Children and Family Development, depending on context

notice of appeal the appeal form specified by the Minister of Social Development and Poverty Reduction that must be submitted to the Tribunal in order to commence an appeal

oral hearing a hearing that is conducted with the parties present in person, by teleconference, or by video conferencing

panel the member(s) designated by the Tribunal Chair under section 22(1) of the *Act* to hear an appeal

panel chair the chair of a panel designated under section 22(2) of the *Act*

party in relation to an appeal to the Tribunal, the appellant and the ministry, whose decision is under appeal

reconsideration decision the final ministry decision pertaining to the initial request the decision that may be appealed to the Tribunal

record of the ministry decision the information and records that were before the minister when the reconsideration decision under appeal was made

representative an agent, lawyer, or advocate representing a party during an appeal

tribunal the Employment and Assistance Appeal Tribunal established under section 19(1) of the *Act*

tribunal chair the Chair of the Tribunal appointed under section 19(2)(a) of the *Act*

witness a person who provides evidence at a hearing

written hearing a hearing that is conducted through the submission of written evidence and written argument

Appendix A: Tribunal Staff

(October 1, 2016 - September 30, 2017)



Sophie Abbott
Dores Baxter
Danny Courcy
Willana Gibson
Tracie Horne

Kyrstin Kerr
Brittney Lokhorst
Glenna McEwen
Marilyn McNamara
Carrera Marotto

Nick Paetz
Steven Pal
Sue Sutherland
Alanna Valentine

Appendix B: Tribunal Members

(October 1, 2016 - September 30, 2017)

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Region 1



Angie Blake
Monika Brandstaetter
Janet Brons
Gregory Bunyan
Sean Carberry
Gurjit Chaplin
Bruce Cline
Robert Fenske
Carl Gorham
Daniel Graham
Marcus Hadley
Donna Hains
Lowell Johnson
Keith Lacroix
Jim Jones
Patrick Maguire
Donald McLeod
Marilyn McNamara
Stacy Mitro

Trevor Morley
Inge Morrissey
Pat Munroe
Andrew Murray
Wesley Nelson
Jane Nielsen
Marnee Pearce
Glenn Prior
Anne Richmond
Richard Roberts
Marlene Russo
Gillian Saxby
Charles Schellinck
Jennifer Smith
Donald Storch
Carman Thompson
Gordon Thompson
Lynn Twardosky
Joan Van der Holt

Region 2



Brenda Austin
Scott Brearley
Jeffrey Chambers
Sandra Chan
Susanne Dahlin
Nancy Eidsvik
Kathy Grant
Margaret Koren
Stephanie Korour
Susan Mackey
Perry Mazzone
Carole McKnight

Tajdin Mitha
Barbara Murray
Rabinder Nijjar
Adam Picotte
Kim Read
Adam Rollins
Adam Shee
Connie Simonsen
Roy Wares
Susan Witter
Marcus Wong
Reece Wrightman

Region 3



Jennifer Armstrong
 Fazal Bhimji
 Vivienne Chin
 Simon Clews
 Sanjay Gulati
 David Handelman

Susan Johnston
 Neena Keram
 Jeremy Sibley
 Rosalie Turcotte
 Sandra Walters

Region 4



Joan Bubbs
 Jeanne Byron
 Lisa Denham
 Mel Donhauser
 Lauren Forsyth
 Bill Haire
 Robert Kelly
 David Kendrick
 Lorraine Kent
 Deborah Kinnear

Raymond Kirzinger
 Janet Lingford
 Jean Lorenz
 David Mattes
 Marilyn Mellis
 Wayne Reeves
 William Reid
 Ronald Terlesky
 Helene Walford

Region 5



Kevin Ash
 Zelda Craig
 Lorraine Grant
 Linda Smerychynski
 Meghan Wallace
 Janet Ward

Appendix C: Budget

(October 1, 2016 - September 30, 2017)

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The provincial government's fiscal year begins April 1st. The Tribunal's reporting year begins October 1st. The budget table presents relevant reporting periods which span the two fiscal years.

OPERATING BUDGET	APRIL 2016–MARCH 2017	APRIL 2017–MARCH 2018
Salaries and Benefits	\$ 943,000	\$ 943,000
Boards/Commissions/Courts - Fees and Expenses	450,000	450,000
Public Servant Travel	22,000	22,000
Professional Services: Operational	134,000	134,000
Information Systems: Operating	12,000	12,000
Office and Business Expenses	130,000	130,000
Statutory Advertising and Publications	5,000	5,000
TOTAL	\$ 1,696,000	\$ 1,696,000

How to Contact Us

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