

Reasons for Decision:

Order # 1516-03-0700

The appellant appealed:

1. shelter amount insufficient
2. request for transportation reimbursement denied
3. mileage rate insufficient

Shelter

The program representative reported that the appellant lives in a cabin that the appellant built and pays rent for the land only in the amount of <amount removed> per month. The appellant is entitled to \$243.00 per month for rent. The appellant was receiving an additional <amount removed> Rent Assist supplement which was added to the appellant's income assistance budget, totalling <amount removed>. The Rent Assist supplement increased December 1, 2015 and at that time, an error was found in the appellant's shelter calculations.

As the appellant only pays rent for the lot the cabin sits on, and not rent or a mortgage for the cabin itself, the appellant is not eligible for the additional rent supplement. The maximum shelter amount for a home owner only paying rent for their lot is \$243.00. When the appellant was receiving the rent supplement, the appellant was receiving it due to departmental error. Once the error was discovered, the rent supplement was removed; however, the program manager approved the actual cost of the lot rental of <amount removed> per month rather than the entitled \$243.00. The program staff spoke to the appellant and explained the reduction due to receiving the rent supplement while not entitled to it, and advised they will not assess an overpayment.

The appellant reported that the appellant moved from <location removed> to <location removed> <text removed> ago. The appellant feels that shelter rates were reduced due to the change in the Rent Assist supplement in December 2015 and that if the program increased the supplement amount, why is the appellant getting less? The appellant is having a difficult time with the decrease in the shelter amount and having to take from the food and basic needs allowance to make up the difference.

After carefully considering the written and verbal information, the Board finds that the program has treated the appellant's situation fairly. The program erred in overpaying the appellant's allowable shelter rate for many years. Once discovered, the program did not assess an overpayment and also made the decision to cover the appellant's full shelter costs of <amount removed> per month when the appellant is only entitled to \$243.00. It is not due to the Rent Assist changes that the shelter allowance decreased in the appellant's budget; it was the discovery and correction of an error that resulted in the decrease. Therefore, the Board has confirmed the decision of the Director and this appeal is dismissed.

Reimbursement for travel costs

The appellant resides in <location removed> and travels to <location removed> frequently. The appellant stated that in <date removed> the appellant was working part time and was required to submit income declaration statements monthly to the worker, which the appellant did in the requested timeframe. The appellant waited for a decision from the program as to what the monthly benefits would be after calculating the appellant's employment earnings. By late <date removed> the appellant hadn't received any notice from the program regarding the appellant's rent payment to the landlord. The appellant then spoke to the program and was issued a cheque for <month removed> benefits, however, by that time, it was too late to get the rent to the landlord on time for <month removed> 1st. Therefore, the appellant was required to drive to <location removed> to pay the rent in person. Had the program responded earlier on the matter of the appellant's eligibility, the appellant could have paid the rent a week earlier while in <location removed>. The appellant is requesting a <amount removed> payment for the appellant's time and expenses for this unnecessary trip caused by the program's delay.

The program representative reported that it had provided income and expense statements to the appellant to have completed and signed for the odd jobs the appellant does for cash payments. The program confirmed that the appellant's income statements were received on time, however they were awaiting more information to substantiate the earnings. By admission of the program representative, there was a delay in determining and processing the appellant's <month removed> benefits and there was no notification to the appellant that eligibility was in question. The program stated that the appellant receives Canada Pension Plan (CPP) benefits and could have used those funds if the appellant was worried about getting the rent paid on time. The program confirmed that the appellant typically had rent paid directly but with the employment earnings and the appellant's CPP income, the remaining budget amount is not always enough to pay the full rent directly. The appellant was sent a letter dated <date removed> outlining the new budget for <month removed> and advising that the appellant is responsible to pay the lot rent to the landlord.

The Manitoba Assistance Regulation Schedule A states:

- (a) Special needs up to \$150.00 per household in a fiscal year, Health Care Expenses specifies that:
 - (g) Such emergency transportation and other expenses as may be authorized by director and which, in the director's opinion, are necessary to provide the care, treatment or attention required.

After carefully considering the written and verbal information, the Board finds that the program erred in notifying the appellant that the appellant's <month removed> eligibility had not been processed and/or what was required. The Board also finds that the program failed in their communication regarding the method of the appellant's rental payments. The information in the letter sent to the appellant on <date removed> is buried after the budget amounts and not easy to understand. The Board finds that due

to the program's delay in processing the appellant's <month removed> benefits, the appellant was required to incur an unnecessary expense in order to meet the obligation of paying rent on time. Therefore the Board is rescinding the decision of the Director and orders the Department to reimburse the appellant \$24.50 for transportation costs under Schedule A of the Manitoba Assistance Act. The amount is intended to cover transportation costs at the established mileage rate payable by the program. No additional compensation for the appellant's time or efforts are provided.

Mileage amount insufficient

The appellant receives a mileage rate for medical appointments. The program only covers 20 cents per kilometer which is just enough for gas. The appellant requests an amount higher to cover repairs and maintenance on the appellant's vehicle. The appellant also stated that this amount has not been increased in many years and the program should be increasing their rates to coincide with gas prices and inflation.

The program stated that the appellant is covered for medical mileage at 20 cents per kilometer, as per their policy and does not have any authority to increase the rate beyond that.

Section 22.3.1 of the Employment and Income Assistance Administrative Manual states; Where participants require transportation to a medical centre, the following methods of transportation should be used in the order listed:

1. *Public transportation (bus, train, or airplane) or participants own vehicle chargeable at the equivalent rate of the cheapest available public transportation;*

If method 1 is not available, participant's own vehicle:

<i>North of 53rd parallel:</i>	<i>22 cents per km.</i>
<i>South of 53rd parallel:</i>	<i>20 cents per km.</i>

2. *If methods 1 and 2 are not available, a licensed carrier (taxicab) at approved prevailing rates.*
3. *If methods 1, 2 and 3 are not available, a privately-owned vehicle at the rates indicated above under point 2.*

After carefully considering all the written and verbal information presented at the hearing, the Board determined that the appellant is in receipt of the full entitlement to mileage allowance in accordance with the program guidelines. There is no provision in the legislation for the Board to make a ruling on increasing an existing policy. Therefore, the Board is confirming the decision of the Director and this appeal is dismissed.

