

Reasons for Decision:

Order #AP1617-0444

The appellant filed an appeal which indicated, “The amount of income assistance or general assistance is insufficient to meet my needs”. In the Section which asks specifically what decision is being appealed, the appellant indicated “budget”. At the hearing the appellant clarified that the appellant was appealing that the appellant does not have enough to live on and the appellant specified at that time some specific issues such as not being approved for disability benefits, not having a phone allowance, and the deduction from the appellant’s budget for deemed income.

The respondent to the appeal, The Employment and Income Assistance Program (EIA) had prepared their response to the appeal only addressing the issue of deemed income, as they were not aware that the appellant would be wanting the other decisions discussed.

When the appellant applied for assistance on <date removed> the appellant declared to the program that the appellant had transferred the appellant’s property at <location removed> to the appellant’s adult child as the appellant could not keep up with the taxes and repairs needed on the property and the appellant was afraid of the property being seized by the municipality. At that time the EIA program determined that if the appellant had sold the home rather than transferred the home to the appellant’s adult child, the appellant would have had funds to support the appellant and would not need to rely on income assistance for support. They therefore assessed a deemed income amount which is deducted from the appellant’s income assistance benefits on a monthly basis.

The deemed income was assessed on a property value amount of <amount removed> which was the assessed value on the land titles document at that time. The EIA program adjusts the percentage on which the deemed income calculation is made based on prevailing bond and lending rates in the current market. The current interest rate established is 2.6 per cent (effective January 2016). Therefore, the Department has calculated the deemed income amount to be <amount removed> x 2.6% rate interest and divided by 12 months = <amount removed>.

The appellant and the appellant’s adult child presented at the hearing and indicated that the appellant is having a very difficult time managing on the appellant’s small budget.

The appellant receives a monthly allowance of <amount removed> from the department however it is not enough to meet the appellant’s monthly expenses, especially taking into account the appellant’s required over the counter medication. The appellant’s adult child indicated that when the appellant took over the property it

had numerous by-law and code infractions that needed to be repaired, the taxes were in severe arrears, and the property was uninhabitable. The appellant's adult child stated that over time the adult child paid many of the debts on the house, and put in quite a bit of money in permits, repairs and upgrades. After all of that effort the adult child had to sell the house in <date removed> for <amount removed>. After the liens and encumbrances were deducted, the appellant realised <amount removed> from the sale.

The Board cannot review the initial decision to assess deemed income, as an appeal must be filed within 30 days of a decision, and it has been more than twelve months since this decision was made. The Board can only look at the current calculation and deduction to ensure that it is following the current policies on deducting deemed income. Therefore the Board must confirm that the current calculation and deduction has been made in accordance with the legislation and policies of the Employment and Income Assistance program.

However, the Board would recommend that the appellant and the adult child provide the documentation regarding the sale of the home, and the debts and liens that were in place at the time the property was transferred and request a re-evaluation of the assessed value of the property on which the deemed income has been calculated. If the program denies this request, or the appellant disagrees with the reassessment, then the appellant will be entitled to file a new appeal within 30 days of that decision.

In addition, the appellant may submit new or additional medical information for a new decision related to the appellant's disability eligibility and if the appellant is denied the appellant can at that time file an appeal within 30 days of the decision.

The Board can only review specific decisions that the Department has made, and look only at the information the Department had when it made that decision. The Board cannot do a general file review. Any other benefits that the appellant feels the appellant should be entitled to such as funds for a telephone, transportation funds, etc, the appellant should make a specific request to the appellant's worker, and if this is denied, file an appeal within 30 days of that decision

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