

**Reasons for Decision:**

**Order # AP1920-0737**

On <date removed>, <name removed> appealed the decision of the Director, Westman to deny reimbursement for stolen money. The decision letter was dated <date removed>.

At the hearing, the Department relied extensively on its written report submitted as evidence.

The Department told the Board <name removed> advised it on <date removed> that their house had been broken into and they had lost several items, including <amount removed> in cash they were holding for rent. <name removed> requested the Department to provide them with <amount removed> as an overpayment so they could pay their <month removed> rent.

The Department reviewed <name removed>'s circumstances, and determined they had a mid-month cheque payable from the Department. <name removed> also receives a monthly Canada Pension Plan – Disability payment of <amount removed>, which is paid separately from the Department's benefits.

The Department confirmed with <name removed>'s landlord that <name removed> was not facing eviction.

The Department noted it does not assume liability for assistance payments once they are received by clients. A planned overpayment would only be approved if the recipient was facing serious consequences. As <name removed> had other sources of income and was not facing eviction, the Department denied the overpayment. It released <name removed>'s mid-month cheque early, and encouraged them to negotiate a payment plan with their landlord.

<name removed> told the Board that the Rivers Police Department report provided to the Department was inaccurate. The appellant disagreed with the police statement that their property was in need of repairs. While the doors and windows are older, they close completely and lock. The appellant asserted that their front door was not prone to accidental opening.

<name removed> noted the amount of money they lost exceeded the amount of money they owed for rent, so they were short cash for other expenditures as well. The appellant used the money released early by the Department for groceries and other basic necessities.

<name removed> objected to the Department's practice of clawing back their annual Canada Pension Plan increases, and asserted a politician told them that the clawback should not happen. The Department noted *The Manitoba Assistance Act Regulation* required unearned income to be deducted from benefits on a dollar-for-dollar basis.

In response to a question from the Board, <name removed> stated they had an arrangement with their landlord to pay <amount removed> per month to reduce their arrears, but they have struggled to make those payments since the response to the current public health emergency increased the cost of basic goods and services.

<name removed> stated they do not carry tenant insurance.

<name removed> reiterated their preferred solution was for the Department to create an overpayment and require them to pay it back on a monthly basis. The Department acknowledged that the impact on <name removed> would be reduced by that approach, but stated the Department does not have a mandate to lend money to recipients. The Department only intervenes in situations similar to <name removed>'s if there is a substantial risk of serious consequences, such as eviction.

<name removed> told the Board their landlord has experienced a reduction in paid hours at their regular job, and <name removed> was concerned about their landlord's financial position.

The Board acknowledges <name removed>'s concern about their landlord's financial position, but notes the landlord has not given any indication that they are reconsidering their earlier openness to a payment arrangement. The Board also notes that the Manitoba Government has barred landlords from evicting tenants during the public health emergency.

After carefully reviewing the verbal and written evidence presented to it, the Board agrees with the Department that <name removed>'s circumstances are not so serious that intervention is required. The Board confirms the Director's decision.

## **DISCLAIMER**

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