

Reasons for Decision:

Order # AP1920-0745

On <date removed>, <name removed> filed an appeal of the Director's decision to deny them a start up allowance. No decision letters were provided as evidence.

At the hearing, the Department told the Board that <name removed> was not eligible for the start up allowance as they did not meet the qualifications set out in policy 21.1.3. <name removed> has the ability to return to their residence, with the assistance of the police if they have safety concerns, in order to retrieve their belongings.

<name removed> stated when they moved in they were unaware the residence was being used as a drug house. The appellant had to leave their residence in fear of their life. <name removed> argued that their circumstances fit the extenuating circumstances category of policy 21.1.3.

The Board asked <name removed> if they had also applied for a bed and bedding allowance. In response, <name removed> indicated they asked the Department for this allowance, but was informed they did not qualify. The Department stated that <name removed> last received a bed and bedding in <year removed>, the statement that they were eligible for this allowance in the report was made in error.

In response to a question from the Board, <name removed> indicated that while living in their suite, their neighbours were stealing from them. They would also frequently bang on their door. The appellant attempted to return to their suite a few weeks after they left, but was unable to retrieve their belongings as they were threatened. <name removed> stated they had contacted the police on multiple occasions to deal with the situation, but they have still not received a response.

The Board asked <name removed> what items they left at their suite. <name removed> responded, indicating their bed and other personal belongings were still at the suite. The appellant's television and china cabinet were stolen. The Department stated that it can provide an allowance in order for <name removed> to move their belongings to their new residence. For any of their belongings that were stolen, <name removed> can contact the victims of crime agency.

Based on the verbal evidence presented to it, the Board is convinced, on a balance, that <name removed> has reason to be fearful for their safety at their previous residence should they attempt to retrieve their belongings. The Board also notes that <name removed> provided verbal evidence that they have contacted the police, but is still waiting for a response to their inquiry. As such, the Board is satisfied that <name removed>'s circumstance constitutes an extenuating situation as described in policy 21.1.3.

After carefully reviewing the verbal and written evidence presented to it, the Board determines that <name removed> is eligible to receive a special needs allowance for an extenuating situation. The Board varies the Director's decision to deny <name removed> a start up allowance, and directs the Department to facilitate another attempt by <name removed> to retrieve their personal belongings. The Board further directs the Department to provide <name removed> with an allowance for a bed and bedding if they are unable to retrieve their's from their previous residence.

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