



Citation: *KB v Canada Employment Insurance Commission*, 2024 SST 951

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: K. B.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (621368) dated October 26, 2023
(issued by Service Canada)

Tribunal member: Gary Conrad

Type of hearing: Teleconference

Hearing date: July 25, 2024

Hearing participant: Appellant

Decision date: August 2, 2024

File number: GE-24-1878

Decision

[1] The appeal is dismissed.

[2] The Appellant hasn't shown just cause (in other words, a reason the law accepts) for leaving his job when he did. The Appellant didn't have just cause because he had reasonable alternatives to leaving. This means he is disqualified from receiving Employment Insurance (EI) benefits.

Overview

[3] The Appellant quit his job.

[4] The Appellant says he quit because his hours at work had fallen drastically, so he was not making enough to pay his rent.

[5] His landlady was kicking him out; he needed to find another place to live. A friend offered him a room at a reasonable rate, but that friend lived two hours away.

[6] The Appellant could not find affordable housing where he currently resided, so he took his friend's offer, quit his job, and moved.

[7] The Canada Employment Insurance Commission (Commission) looked at the Appellant's reasons for leaving. It decided that he voluntarily left (or chose to quit) his job without just cause, so it wasn't able to pay him benefits.

[8] The Commission says that the Appellant could have requested financial assistance from family and friends, or government assistance, until his hours of work picked up.

[9] The Commission says it was up to the Appellant to make a genuine effort to resolve his difficulties in some manner other than leaving the gainful employment in which he was engaged.

Issue

[10] Is the Appellant disqualified from receiving benefits because he voluntarily left his job without just cause?

[11] To answer this, I must first address the Appellant's voluntary leaving. I then have to decide whether the Appellant had just cause for leaving.

Analysis

The parties agree that the Appellant voluntarily left

[12] I accept that the Appellant voluntarily left his job. The Appellant agrees that he quit, and I see no evidence to contradict this.

The parties don't agree that the Appellant had just cause

[13] The parties don't agree that the Appellant had just cause for voluntarily leaving his job when he did.

[14] The law says that the Appellant will be disqualified from receiving benefits if he left his job voluntarily and didn't have just cause.¹ Having a *good reason* for leaving a job isn't enough to prove *just cause*.²

[15] The law says the Appellant will have "just cause" if, considering all the circumstances that existed at the time he quit, he had no reasonable choice but to quit when he did.³

¹ Section 30 of the *Employment Insurance Act* (Act) explains this.

² See *Canada (Attorney General) v Imran*, 2008 FCA 17.

³ See *Canada (Attorney General) v White*, 2011 FCA 190; *Canada (Attorney General) v Macleod*, 2010 FCA 301; *Canada (Attorney General) v Imran*, 2008 FCA 17; and *Astronomo v Canada (Attorney General)*, A-141-97.

[16] The Appellant has to prove that he had just cause.⁴ He has to prove this on a balance of probabilities. This means that he has to show that it is more likely than not that his only reasonable option was to quit.⁵

What the Appellant says

[17] The Appellant says that the whole reason he quit his job was because he was getting kicked out of his apartment.

[18] He was working in a part-time casual position, and after the Christmas rush, was getting almost no hours.

[19] This meant he was not making enough to cover his rent, so his landlady was kicking him out.

[20] He had tried to find accommodation he could afford in the area where he was working, but nothing was in his price range.

[21] He had a friend in another city two hours away offer him a room to rent at a very low rate. He accepted this offer and had his father drive him the two hours to the new city, since the Appellant's licence was suspended.

[22] The Appellant says this led to him quitting his job because he was unable to continue working at that job once he had relocated.

[23] The Appellant says he had to relocate otherwise he would be homeless. He says he could not find any place to stay; social assistance had not started coming through yet and did not come through until the end of March; his parents could not help him since they were tight on funds; and he could not move in with his parents as the basement flooded and that is where his old room was.

⁴ See *Green v Canada (Attorney General)*, 2012 FCA 313; *Canada (Attorney General) v White*, 2011 FCA 190; *Canada (Attorney General) v Patel*, 2010 FCA 95.

⁵ See *Canada (Attorney General) v Laughland*, 2003 FCA 129.

[24] The Appellant says he did try and find work in the new city before he moved but was unable to find anything and he could not get a transfer from his employer, since he was just part-time casual.

What the Commission says

[25] The Commission says there is ample jurisprudence to show that the Appellant's decision to move, or inability to meet a standard of living, cannot force the taxpayer to bear the economic burden of his decision.

[26] They say the Appellant made a personal choice to quit his employment and to move and he should have secured employment in the new city before quitting his job and moving.

[27] They say the Appellant could have also requested a transfer, looked for cheaper accommodation where he was living, requested financial assistance from the government or asked for help from friends and family.

My findings on just cause

[28] I find that the Appellant did not have just cause for voluntarily leaving his employment, despite the unfortunate personal situation he found himself in.

[29] I accept that the Appellant was barely getting any shifts at work, so was having money troubles, but I find he had reasonable alternatives to quitting.

[30] He could have asked his parents if it was possible to stay with them. Yes, the basement had flooded, which is where his old room was, but that does not preclude the possibility of him staying elsewhere in his parent's home. This would have allowed him to stay employed.

[31] The fact his father drove him two hours to his new rental demonstrates his parents were willing to help him in various ways.

[32] It would have also been a reasonable alternative to ask his parents for financial help.

[33] I can accept that money would have been tight for his parents, due to dealing with the flooded basement, but he testified that he was working on getting social assistance from the government and he says he got paid by them at the end of March 2023.⁶ This means he could have possibly paid his parents back, and he would have only needed assistance in the very short term.

[34] I find it would have been reasonable for him to continue looking for additional work in his area. He mentions doing labour (shoveling driveways) for money⁷ so it would have been reasonable for him to continue looking for other work and applying to temp agencies or day labour agencies to try and earn additional money, rather than quitting his job and moving.

[35] Although I am very compassionate towards the situation the Appellant found himself in, his difficulty in paying for and finding affordable housing is not just cause for leaving. It is well established case law that personal reasons unrelated to employment, which is the Appellant's situation, do not provide a claimant with just cause for leaving their job.⁸ Claimants must have very solid and compelling reasons for leaving employment and placing themselves in the position of being unemployed. The reason for leaving "must transcend the purely personal if just cause is to be established."⁹

[36] Just cause cannot be found even when potential homelessness or abuse is involved, and a claimant feels the need to relocate for personal or family problems. The EI Act "provides a scheme of insurance for persons who become unemployed, not mobility insurance."¹⁰

⁶ Also see his texts to his landlady about trying to get social assistance in March 2023 (GD03-53).

⁷ GD03-73

⁸ See *Canada (Attorney General) v Graham*, 2011 FCA 311; *Canada (Attorney General) v Richard*, 2009 FCA 122; *Canada (Attorney General) v Campeau*, 2006 FCA 376; *Canada (Attorney General) v Murugaiah*, 2008 FCA 10; and *Canada (Attorney General) v McCarthy*, A-600-93.

⁹ See CUB 43463.

¹⁰ See CUB 36666 and *Z. M. v C.E.I.C.*, 2017 SSTADEI 71.

Conclusion

[37] The appeal is dismissed.

[38] While the Appellant left his job for what he feels was a good reason, the Courts have clearly held that good cause is different from just cause. It is not sufficient for the Appellant to prove that he was quite reasonable in leaving his employment.¹¹ The Appellant made a personal choice to leave his job and he had several reasonable alternatives to quitting when he did. While he may have had good personal reasons, that is not the same as just cause under the law.¹²

[39] Since the Appellant did not have just cause for leaving his employment, this means the Appellant is disqualified from receiving benefits.

Gary Conrad

Member, General Division – Employment Insurance Section

¹¹ See *Canada (Attorney General) v Laughland*, 2003 FCA 129; *Canada (Attorney General) v Imran*, 2008 FCA 17; *Tanguay v Unemployment Insurance Commission*, A-1458-84; and *Canada (Attorney General) v Vairumuthu*, 2009 FCA 277.

¹² See *Canada (Attorney General) v White*, 2011 FCA 190; and *Tanguay v Canada (Unemployment Insurance Commission)*, A-1458-84.