

PART C – Decision under Appeal

The decision under appeal is the Ministry's reconsideration decision of March 9, 2012 which held that the appellants request to repair her washing machine did not meet the definition of a home repair as outlined in the EAPWD Schedule A – Section 5(2)(f).

Furthermore the Ministry held that her request to cover the cost of the repairs to her washing machine as a crisis supplement did not meet two of three distinct criteria as set out in Section 57(1) of the EAPWD Regulation, namely that

- (a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed.
- (b) the minister considers that the failure to meet the expense or obtain the item will result in
 - (i) imminent danger to the physical health of any person in the family, or
 - (ii) removal of a child under the *Child, Family and Community Service Act*.

The ministry did accept that the one criteria was met as the appellant was unable to meet the expense or obtain the item because there are no resources available to the family unit.

PART D – Relevant Legislation

EAPWD Regulation Schedule A Disability Assistance Rates – Section 24(a)
EAPWD Schedule A – Section 5.(2) (f)
EAPWD Regulation – Section 57

PART E – Summary of Facts

The Ministry attended this hearing via a teleconference.

The evidence before the ministry at the time of the reconsideration decision included:

- a rough estimate made out by the appellant indicating various hourly rates received from appliance repair companies in the area.
- a 24 page document which the appellant titled "This reconsideration addresses the Denial of Washing machine repairs" dated 03/16/2012 presenting her legal arguments and personal circumstances as to why the Ministry should grant her the costs to repair her washing machine.

At the Tribunal hearing the appellant put forth the argument that it was "cruel and unusual punishment" to deny her the costs to repair her washing machine. Her severe back problems further aggravated by a car accident causing her even more difficulties in carrying out her daily activities. These severe back issue pains coupled with the cost of driving her vehicle prevents her from going outside her home to do her laundry.

The appellant further stated she has not worked since 2009 and the mere fact she has not been able to clean her clothes in order to present herself properly to a prospective employer simply hindered even further her ability to find employment.

At the hearing the appellant stated she could not provide an accurate estimate to repair her washing machine because the appliance repair companies do not provide free written estimates and she could not afford to have a repair person come to her home and pay them their hourly rate to examine her washing machine.

The Ministry's position at the hearing was that repairs to the appellant's washing machine was not an expense related directly to the cost of maintenance and repairs to the appellants place of residence and that the appellant did not meet all the criteria as set out in the EAPWD Regulation for a crisis supplement.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's reconsideration decision of March 9, 2012, denying the appellant repairs to her washing machine under home repair because a washing machine cannot reasonably be called part of her place of residence. And that furthermore the ministry could not provide a crisis supplement to cover the costs of these repairs as the appellant did not meeting all three distinct criteria as set out under Section 57 EAPWD Regulation.

Relevant Legislation – Section 57 EAPWD Regulation

57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if

(a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and

(b) the minister considers that failure to meet the expense or obtain the item will result in

(i) imminent danger to the physical health of any person in the family unit, or

(ii) removal of a child under the *Child, Family and Community Service Act*.

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

(3) A crisis supplement may not be provided for the purpose of obtaining

(a) a supplement described in Schedule C, or

(b) any other health care goods or services.

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

(a) if for food, the maximum amount that may be provided in a calendar month is \$20 for each person in the family unit,

(b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of

(i) the family unit's actual shelter cost, and

the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit, and

(c) if for clothing, the amount that may be provided must not exceed the smaller of

(i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and

(ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the

crisis supplement.

(5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).

(6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or ☐ Schedule D to a family unit that matches the family unit.

(7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:

(a) fuel for heating; ☐ (b) fuel for cooking meals; ☐ (c) water; ☐ (d) hydro.

(BC Reg. 13/2003)

EAPWD Regulation Schedule A Disability Assistance Rates Section 24(a)

How actual shelter costs are calculated

Section 5.(2) When calculating the actual monthly shelter costs of a family unit, only the following items are included:

- (a) rent for the family unit's place of residence;
- (b) mortgage payments on the family unit's place of residence, if owned by a person in the family unit;
- (c) a house insurance premium for the family unit's place of residence if owned by a person in the family unit;
- (d) property taxes for the family unit's place of residence if owned by a person in the family unit;
- (e) utility costs;
- (f) the actual cost of maintenance and repairs for the family unit's place of residence if owned by a person in the family unit and if these costs have received the minister's prior approval.

The appellant's position was that denial of her request for repairs to her washing machine amounted to cruel and unusual punishment and because of her serious back problems and lack of funds she was in a no win situation. Her back problems prevented her from hand washing her clothes and without clean cloths she was not able to find employment to fund the repairs. The appellant also felt that if she covered the cost of the repairs from her limited funds she could not afford to purchase food placing her in danger of more health problems.

The appellant argued that because the EAPWD Regulation made no mention that the repairs to her washing machine cannot be classified as a crisis grant this ambiguity should be resolved in her favour.

The ministry's position was the washing machine could not be reasonably included in Schedule A, Section 5(2)(f) EAPWD Regulation as a repair to the appellant's place of residence. The ministry further argued that the appellant could not consider her request for a crisis supplement under Section 57(1) EAPWD Regulation because she failed to meet all three of the distinct criteria.

The first criteria is that the crisis supplement is required to meet an unexpected expense and the ministry's position was that repairs to a washing machine could not be considered as unexpected at some point in time.

The second criteria is that the appellant must demonstrate she had no resources available to her to cover the cost of the repairs and based on the appellant's listed monthly living costs the ministry agreed that the appellant met this second criteria.

The third criteria is the minister must consider that failure to meet the expense will result in imminent danger to the physical health of the appellant. It was the ministry's position that the appellant failed to provide the ministry with satisfactory evidence to demonstrate how the appellant would be in imminent danger to her physical health by not having repairs made to her washing machine.

With respect to Section 57 (1) EAPWDR the panel finds that the ministry's decision the appellant did not meet the first and third criteria as set out in this Section 57(1) was reasonably supported by the evidence.

Furthermore, the panel finds the ministry's decision to rule washing machine repairs cannot be associated with the actual monthly shelter costs of the appellant's place of residence as found in Schedule A Section 5 (2)(f) EAPWDR to be reasonably supported by the evidence.

Therefore the panel confirms the ministry's decisions in respect to this appeal.