

PART C – Decision under Appeal

This is an appeal of the Ministry's reconsideration decision ("the decision") dated February 16, 2012. In this decision the Ministry denied the Appellant's request for a shelter crisis supplement. The Ministry relied on Section 59 of the Employment and Assistance Regulation, finding that the rent expense requested by the Appellant was not an unexpected cost, the appellant had alternate resources available to him, and that the failure to meet the expense will not result in imminent danger to the Appellant's physical health or removal of a child under the *Child, Family and Community Service Act*.

PART D – Relevant Legislation

Section 59 of the Employment and Assistance Regulation (EAR)

PART E – Summary of Facts

The following evidence was before the Ministry at the time of reconsideration:

- The Appellant is a single employable person, in receipt of Income Assistance since August 2011.
- In the Request for Reconsideration, a summary of the payments made to the Appellant in January and February 2012.
 - He received \$95 for comforts and \$72.96 for shelter in January, for a total of \$167.96
 - He received \$235 for support and \$346.80 for shelter in February, for a total of \$581.80.
- The Request for Reconsideration provided this narrative:

"single person. Client submitted an Intent to Rent effective January 25, 2012, indicating he would pay \$384.80 per month for rent. Client was issued prorated January assistance for 6 days (January 25-31) and then was issued \$364.80 for shelter for February. Client called into 1-866 this date and now advises the \$364.80 was a weekly rate only. Client asking for crisis supplement to pay off remaining amount of February shelter costs so can stay at accommodations until February 26th. Worker has denied crisis supplement shelter as 1) client has been issued shelter based on the Intent to Rent he submitted and with his maximum shelter allowance for a single person."
- A Shelter Information form which indicates the Client's Portion of the Rental Amount as \$364.80 per month. It lists the address of the motel and is signed by the motel manager.
- In the Appellant's request for reconsideration he reports: "I spoke to a worker on January 25, 2012 and she said I had my full shelter for January available to me so [the landlord] said I could pay \$368.40 for the last week of January and when I received the February allowance I would pay the difference and remain there until February 25th, 2012 because it is \$850 per month..."
- He also stated that he has nowhere else to go as the local shelter had banned him.

PART F – Reasons for Panel Decision

This is an appeal of the Ministry's reconsideration decision ("The decision") dated February 16, 2012. In this decision the Ministry denied the Appellant's request for a shelter crisis supplement. The Ministry relied on Section 59 of the Employment and Assistance Regulation, finding that the rent expense requested by the Appellant was not an unexpected cost, the appellant had alternate resources available to him, and that the failure to meet the expense will not result in imminent danger to the Appellant's physical health or removal of a child under the *Child, Family and Community Service Act*.

The Panel must determine whether the Ministry's decision was reasonably supported by the evidence, or a reasonable application of the applicable enactment in the circumstances of the person appealing the decision.

Section 59 of the EAPWDR states:

Crisis supplement

- 59** (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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
 - (ii) 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;
 - (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 income 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.

The Ministry found that the Appellant's request for a rent supplement was not an unexpected expense nor that

failure to provide it would result in imminent danger to his health or the removal of a child under the *Child, Family and Community Service Act*.

The Appellant argues that he was promised rent for January and understood he would receive full rent of \$850 for February. In his Notice of Appeal the Appellant states that he was told he was entitled to a full month's rent since he didn't receive a shelter allowance for January.

In its reconsideration decision, the Ministry determined that the requested rent supplement for February was "not an unexpected item, specifically when you do not dispute that the rental cost is \$850 per month, but you advised the ministry on the shelter form and verbally that it was \$364 per month."

The Panel was not able to examine the parties to determine the basis of the misunderstanding as to the amount promised for February 2012. Nonetheless, the Ministry was reasonable in finding that February's rent was not unexpected because the appellant knew that the inn keeper was expecting the rent money for February as he indicated in his request for reconsideration that the arrangements were made to pay the difference of the money owed when he received his February allowance and was also requesting that the ministry pay him on a different schedule because he would be paying rent from the 25th of the month to the 24th of the following month. The panel finds that it was only after the appellant received the prorated January assistance and then was issued \$364.80 for shelter for February that he informed the ministry that \$364.80 was only a weekly rate and requested the crisis supplement to pay off the rest of his shelter costs.

The second reason given by the Ministry for denying the request was that the Appellant did not establish "that failure to meet the expense or obtain the item will result in imminent danger to your physical health or removal of a child under the *Child, Family and Community Service Act*."

This is also a reasonable conclusion. Although the Appellant stated that the local shelter had banned him and he had nowhere else to go, this does not meet the strict definition of "imminent danger to the physical health of any person in the family unit," as set out in EAR section 59(1)(b)(i). (Nor, as a single person, is there an issue of child apprehension under EAR section 59(1)(b)(ii)).

Finally, the Panel finds the Ministry reasonable in concluding that the appellant had not accessed community resources available to him. Apart from his assertion that he was banned from the shelter, there was as no other information provided to indicate that the appellant had accessed local community resources.

In the absence of this imminent danger and given that February's rent was not unexpected, the Panel finds that the decision was reasonable application of the applicable enactment in the circumstances of the person appealing the decision. The decision is confirmed.