

**PART C – Decision under Appeal**

The appellant appeals the ministry's reconsideration decision dated May 22, 2012, in which the ministry denied her request for a \$750 crisis supplement for shelter on the basis that the appellant did not meet all the required criteria set out in section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR). The ministry determined that the appellant did not require the crisis supplement for shelter to meet an unexpected expense and that she had not exhausted all her resources (as required by subs. 57(1)(a)), and that she had not established that failure to meet the requested expense would result in imminent danger to the appellant's physical health (as required by subs. 57(1)(b)(i)).

**PART D – Relevant Legislation**

*Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) section 57(1).

## PART E – Summary of Facts

The information before the ministry at reconsideration included:

- The appellant's request for reconsideration, signed May 18, 2012, with attached 2 page submission;
- A copy of a newspaper article dated May 14, 2012, "Vancouver housing provider operates brothels in the Downtown Eastside" (3 pages).

The appellant has been designated a person with disabilities and receives monthly disability assistance, which includes \$375 per month for shelter allowance. The appellant told the panel that she had been enrolled in a temporary residency program at the hotel of a community-service provider, which offers the residency program for up to 3 months. The appellant told the panel that the monthly cost of the hotel exceeded her monthly shelter allowance, but that she had an arrangement with the associate director of the program regarding the payment of the difference between her shelter allowance and the cost of the hotel. The appellant told the panel that the associate director of the program "inferred" to the appellant that she could stay at the hotel through April 2012. On or about April 6, 2012, after 57 days at the hotel, the appellant was evicted for non-payment of rent. The ministry does not operate the residency program or the hotel at which the appellant was living, and the associate director of this program is not a ministry employee or associated with the ministry.

The appellant told the panel that since she was evicted from the residency program in early April, she has been living in a hotel, the cost of which exceeds her shelter allowance. The appellant told the panel that she is seeking accommodation that exceeds the cost of her shelter allowance as she is very concerned for her safety and does not want to live in a shelter or accommodation referred by the ministry because of personal safety concerns. The appellant told the panel that during the time she participated in the residency program (57 days), she was experiencing several stressful events in her life and as a result could not seek or secure appropriate accommodation for herself.

The ministry confirmed and the appellant agreed that on April 30, 2012, she received her \$375 shelter allowance for the month of May 2012. The appellant requested a crisis supplement of \$750 for shelter on May 8, 2012. The ministry denied the appellant's request for the \$750 crisis supplement for shelter on May 11, 2012. The ministry's reconsideration decision denying the requested \$750 crisis supplement was issued on May 22, 2012.

At the hearing, the ministry said that the appellant knew at the time she entered into the temporary residency program that the cost of the accommodation exceeded her monthly shelter allowance of \$375, and that she would be responsible for paying the rest of the cost of her accommodation. The ministry told the panel that the appellant has a pattern of seeking crisis supplements and the reconsideration decision lists the 20 crisis supplements the ministry has paid to the appellant since May 2010.

The panel makes the following findings of fact:

- The appellant is a person with disabilities who receives monthly disability assistance;
- The appellant's monthly shelter allowance is \$375;
- The appellant received her May 2012 shelter allowance on April 30, 2012; and
- The appellant knew at the time she entered the temporary residency program that the cost of the accommodation exceeded her monthly shelter allowance.

## PART F – Reasons for Panel Decision

The issue on this appeal is whether the ministry's decision to deny the appellant's request for a \$750 crisis supplement for shelter on the basis that she did not meet the criteria set out in section 57(1) of the *EAPWDR* is reasonable.

The criteria to be applied by the ministry on a request for a crisis supplement are set out in section 57(1) of the *EAPWDR* as follows, emphasized by the panel:

- (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 ...

The appellant's position is that she meets the eligibility criteria to receive a crisis supplement for shelter. The appellant stressed to the panel that her eviction from the temporary residency program was unexpected, that she had understood from the associate director of the program that she was able to stay through the month of April 2012. The appellant acknowledged that she was evicted from the program for not paying rent and that she knew the cost of the accommodation exceeded her monthly shelter allowance of \$375. The appellant says that she does not have resources to meet her accommodation expenses and has gone into debt to pay for her shelter, over and above the \$375 monthly shelter allowance she receives as a person with disabilities. The appellant says that she is in imminent danger to her physical health if she is not able to secure what she considers appropriate and safe accommodation for herself.

The ministry says that the appellant is seeking a crisis supplement for rent over and above her monthly shelter allowance and that rent is not an unexpected cost for which the crisis supplement is intended. The ministry says that the appellant does not meet the legislative criteria under subs. 57(1) for a crisis supplement. The ministry says that the appellant knew that the cost of the accommodation for the temporary residency program exceeded her monthly shelter allowance, and says that the appellant cannot say that the accommodation cost was an unexpected expense, as required by subs. 57(1)(a). The ministry also says that the appellant has not established that she has no other resources available to her, as required by subs. 57(1)(a), as she continues to receive her monthly shelter allowance of \$375 (including the May 2012 shelter allowance which she received on April 30, 2011) and has been staying in hotels since she left the temporary residency program in April 2012. The reconsideration decision found that the appellant was unable to demonstrate that failure to provide the requested crisis supplement of \$750 for shelter will result in imminent danger to her physical health, as required by subs. 57(1)(b)(i), noting that she had been living in a hotel since early April 2012.

In order to receive a crisis supplement under section 57 of the *EAPWDR*, an applicant must meet all three of the criteria set out in subs. 57(1) – if the applicant does not meet one of the three criteria, the crisis supplement will not be provided. The panel finds that the appellant does not meet the first criteria required for a crisis supplement under subs. 57(1)(a) of the *EAPDR*, namely that the requested crisis supplement is "to meet an unexpected expense". The panel notes that while the appellant's eviction from the temporary residency program might have been unexpected, the cost to the appellant associated with the temporary residency program over and above her monthly shelter allowance was not unexpected and the appellant knew she had to meet the additional expense herself. Accordingly, the panel finds that the ministry's determination that the appellant has not met the first requirement of subs. 57(1)(a), that is, that the requested \$750 is "to meet an unexpected expense" was reasonable.

The panel notes that the appellant received her monthly shelter allowance for May 2012, and continues to receive her \$375 monthly shelter allowance, and that she has been living at a hotel since early April 2012. The panel finds that the ministry's determination that the appellant did not meet the other requirements of subs. 57(1)(a) (that she is unable to meet the expense because there are no resources available to her), and of subs. 57(1)(b)(i) (that failure to provide the requested expense will result in imminent danger to her physical health) was reasonable. As the panel has found that the ministry's determination that the appellant does not meet the criteria set out in subs. 57(1) was reasonable, the panel concludes that the ministry's decision to deny the appellant's request for a \$750 crisis supplement for shelter in May 2012 was a reasonable application of the legislation in the circumstances. The panel therefore confirms the ministry's decision.