

PART C – Decision under Appeal

The decision under the appeal is the Ministry of Social Development (ministry) Reconsideration decision dated July 31, 2012, which held that the appellant is not eligible for a crisis supplement for shelter pursuant to Section 57 (1) of the *Employment and Assistance for Persons with Disabilities Regulation (EAPWDR)*. The ministry determined that:

- The shelter cost requested by the appellant was not unexpected;
- The appellant had alternate resources to meet her need;
- Failure to obtain the item requested would not result in imminent danger to health.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation – EAPWDR – Section 57(1)

PART E – Summary of Facts

The evidence before the ministry at the reconsideration decision included:

- A request for crisis supplement for shelter with a notation by the appellant requesting the ministry to stop all direct deposits to her bank as of June 15, 2012;
- A letter from a hotel dated March 31, 2012 extending the appellant's accommodation end date from March 31 to April 3, 2012 and advised the appellant that there would be no further extensions granted. The letter further stated the monthly rate for a room as \$780.00;
- Request for a crisis supplement for shelter dated July 8, 2012;

The appellant in the request for reconsideration stated the following:

- April 18, 2012 – the appellant requested an extension of her stay at the hotel until April 30, 2012 to improve the quality of her life and her son's life;
- January 2010 – the appellant arrived at the hotel prior to moving to a shelter;
- The appellant did not want to go to the shelter but as she was homeless, the appellant decided to reside in the shelter;
- March/April 2012 – the appellant began advocating for herself to return to the hotel;
- February to September 2010 – the appellant stated that while at a shelter, living in the shelter system has eroded her health, emotionally, mentally and physically.
- August 2011 – the appellant after being forced out of her last residence approached the hotel manager but was refused a room. The appellant said that she was so tired that she slept on a beach and later left the Province;
- February 7, 2012 – the appellant stated that she went back to the same hotel as she could no longer stay at hostels. The appellant stated that she was given a room to stay for a short term while she was continuing to look for a permanent housing;
- February 2012 – the appellant stated that she applied for the residency program expecting the ministry to cover her shelter costs in a interim basis;
- The appellant stated that she discussed payment options. The appellant said that the hotel was going to forgive the balance of the rent she owed.
- The appellant stated that at one point during staying in the hotel she discovered that all of her personal belongings, save for 14 boxes, were sold at an auction. The appellant further stated that she needed to extend her stay in order to continue her recovery. She does not want to be a "bother and burden" in any way and only needs a safe place to stay until she can find a permanent housing.
- The appellant was evicted and was homeless for the Easter weekend and was asked to pay the balance of her rent. The appellant stated that as she did not have any place to go, she had to leave and spend the night at a hotel. The appellant stated that she spent her last month's disability assistance on hotel and food;
- July 20, 2012 – the appellant said that she is staying up many nights riding buses and staying up in coffee houses and sleeping at the beach. The appellant submitted that the hotel she used to stay is the only safe transition housing option she has. She requested that the ministry approves her shelter grants.

At the hearing, the appellant stated that the ministry's decision is unreasonable. The appellant said that the fact that she was unexpectedly evicted from the hotel indicates that the crisis supplement was requested for unexpected expenses. The appellant further stated that she declined to stay in the shelter because of her health condition and being on the street is an imminent danger to her health. Respecting her decision not to participating in the community housing, the appellant stated that she declined staying at a shelter, has applied for affordable housing; however, she has not received any offer from any of the affordable houses. The appellant said that she stayed in hotels since April 2012 and prior to this date, she resided in few hostels. The appellant agreed that she received crisis supplement for shelter in December 2011 and January 2012 when she was residing at a hostel. The appellant said that she has been working with a housing advocate and hoping to receive rent supplements in order to find a permanent residence.

The ministry stated that the appellant is single recipient of disability assistance and received \$375 in shelter allowance, \$531.42 in support allowance and \$40 in diet allowance. The ministry submitted that the appellant's housing situation has remained the same as she has not have a permanent housing since late 2011 and as such she was not experiencing unexpected costs that may warrant additional assistance. The ministry further said that the appellant declined the ministry's offer to stay in available community resources. The ministry stated that the appellant was aware that the shelter amount is a maximum of \$375.00 per month for a family unit of one and that the appellant was also aware that her shelter allowance was not sufficient funds for her to remain at a hotel for an entire month.

The panel finds that:

- The appellant is a single recipient of disability assistance;
- The appellant has been living in hotels, hostels, and shelters since December 2011;
- The appellant was aware that her stay at the hotel was extended only to April 3, 2012;
- The appellant declined to accept the ministry's offer to stay in available community resources.

PART F – Reasons for Panel Decision

The issue before the panel is the reasonableness of the ministry's reconsideration decision dated July 31, 2012, which held that the appellant is not eligible for a crisis supplement for shelter. The ministry determined that the appellant's request was not unexpected and that she had alternate resources to meet her needs. The ministry further determined that failure to obtain the crisis supplement for shelter would not result in imminent danger to the appellant's health.

Pursuant to Section 57 of the EAPWDR

- (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
 - (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, 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.

The appellant's position is she was not aware of the legislation and that she should not have requested for crisis supplement when she received a crisis supplement in the same 12 months period. She stated that her situation has changed, she no longer needs clothing and in summer time she wears sandals and does not need shoes either.

The ministry's position is that the reconsideration decision was reasonable as the appellant has been living in hotels or hostels since April 2012 and therefore her request is not for an unexpected expense. Furthermore the ministry submitted that on July 6, 2012, the appellant was offered to consider community resources but she declined. The ministry further submitted that although the appellant stated that her health has been compromised due to her current living condition there is no supporting documentation to establish that failure to receive a crisis supplement for shelter would result in imminent danger to her health.

The appellant argued that she was unexpectedly evicted from her residence. The appellant said that her housing situation has had emotional and physical impact on her health.

With respect to the appellant's request for a crisis supplement for shelter pursuant to Section 57 of the EAPWDR, the panel finds that the evidence establishes that:

- The appellant's request for crisis supplement for shelter was not an unexpected expense or to obtain an item unexpectedly needed. The appellant has not had a permanent housing since late 2011. The appellant was receiving shelter allowance of \$375.00 and chose to stay in hotels despite that her allowance was not sufficient to pay for her accommodation at hotels. In February 2012, the appellant requested to stay at the hotel for 2 nights; however, she extended her stay for 56 nights fully aware that her allowance of \$375 was not sufficient to pay the monthly rate of \$780.00.
- The panel further finds that the appellant declined the ministry's offer to consider community resources, including shelters and affordable housing, stating that she would not reside in any shelters as she became very ill mentally, physically and emotionally while staying at a shelter.
- The panel further notes that the appellant stated that living in the shelter system eroded her health, emotionally, mentally and physically and her health deteriorated to such an extent that she was terrified most of the time. However, the panel finds that there is not sufficient evidence before the panel that failure to obtain the crisis supplement for shelter will result in imminent danger to the appellant's health.

Accordingly, the panel finds that the ministry's decision denying the appellant's request for a crisis supplement for shelter pursuant to Section 57 of the EAPWDR was a reasonable decision based on the evidence and a reasonable application of the legislation. Therefore, the panel confirms the reconsideration decision