

PART C – Decision under Appeal

The decision being appealed is the Ministry of Social Development's (the "Ministry") August 10, 2012 reconsideration decision denying the Appellant a crisis supplement for shelter so he could avoid eviction. The Ministry determined that the Appellant did not meet all the requirements for a crisis supplement as provided for in section 57 of the Employment and Assistance for Persons with Disabilities Regulation, and specifically that the Appellant did not establish that:

1. He needed the supplement to meet an unexpected expense or to obtain an item unexpectedly needed;
2. He had no resources available to him; and,
3. The failure to provide the supplement for shelter to avoid eviction would result in imminent danger to his physical health.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation ("EAPWDR") Section 57.

PART E – Summary of Facts

For its reconsideration decision the Ministry had the following evidence:

1. Information from Ministry records that the Appellant is a single recipient of disability assistance continuously receiving a shelter allowance of \$375, a support allowance of \$531.42 and a diet allowance of \$40.
2. Appellant's July 31, 2012 crisis supplement application in which the Appellant wrote that he had been under a lot of pressure and he had a drug use relapse after almost 10 years of being clean. He wrote that he was feeling better; however, he needs his rent to be paid for part of July and all of August or he will be put on the street. He wrote that he has no other methods of payment available to him.
3. Five Days' Notice of Rental Arrears, dated July 30, 2012, from the hostel where the Appellant lived to the Appellant stating that the Appellant's rent was behind by \$101.61; he had paid up to July 25, 2012. The Appellant was required to pay rent when it is due on the first of each month. The hostel also was expecting his payment for the month of August, which was \$450.
4. August 1, 2012 letter from the hostel to the Appellant indicating that he owed \$551.61 and he had paid to only July 25, 2012; a Ten Day Notice to End Tenancy for unpaid rent from the hostel dated August 7, 2012; and, a rental agreement for a room at the hostel.
5. Appellant's Request for Reconsideration dated August 7, 2012 in which the Appellant wrote that he has severe head injuries with acute brain damage as well as neck and back injuries, hepatitis, and severe arthritis. He wrote that his wife was seriously hurt in a vehicle accident with his van causing it to be written-off without coverage. He also stated that it had been years since he used drugs and he certainly learned a lot from his relapses. He is seeing his psychiatrist and has not used drugs since this happened. The Appellant wrote that he really did not want or need to be put out on the street at this vulnerable time and with the Ministry's assistance that could be avoided. He asked that the Ministry consider his application to have his rent paid up-to-date to keep him off the street.

In his notice of appeal, the Appellant wrote that he is seriously in need of a place to live. If he is refused assistance he will be put out on the street effective immediately. He stated that he fears that without a safe residence his health will deteriorate drastically. The Appellant wrote that he understood his mistakes and he seriously requests help. He begged for the opportunity to maintain his residence. The Appellant also submitted a note dated August 16, 2012 from his doctor. The doctor wrote that she felt that the Appellant would be in both physical danger and at risk of deterioration of his mental health if he is living in a park for the next several weeks due to funding difficulties with his rent.

The Ministry provided no comments regarding the admissibility of the Appellant's appeal statements or the doctor's note. The Panel finds that the information in these documents relate to the information the Ministry had at the time of reconsideration regarding the Appellant's need for rent money and risks to his health if he is evicted. Therefore, the Panel admits these as being in support of the evidence the Ministry had for its reconsideration decision pursuant to section 22(4) of the Employment and Assistance Act.

The Ministry submitted that for this appeal it is relying on the reconsideration decision.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that the Appellant was not eligible for a crisis supplement for shelter to avoid eviction because the Ministry determined that the Appellant did not meet all the requirements for a crisis supplement as provided for in section 57 of the EAPWDR, and specifically that the Appellant did not establish that:

1. He needed the supplement to meet an unexpected expense or to obtain an item unexpectedly needed;
2. He had no resources available to him; and,
3. The failure to provide the supplement for shelter to avoid eviction would result in imminent danger to his physical health.

Section 57 of the EAPWDR sets out the requirements for a crisis supplement as follows:

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.

In its reconsideration decision, the Ministry indicated that it had reviewed all of the information, including the Appellant's Request for Reconsideration as well as his supporting documents. The Ministry also reviewed the criteria the Appellant must meet under the EAPWDR to be eligible for a crisis supplement for shelter. With respect to the first requirement, that the supplement was needed to meet an unexpected expense or obtain an item unexpectedly needed, the Ministry noted that the Appellant had been continuously receiving a shelter allowance of \$375, a support allowance of \$531.42 and a diet allowance of \$40, including during the period when he was in rent arrears. The Ministry also considered the Appellant's statements that he experienced relapses, had started using drugs and he did not want to be on the streets. The Ministry determined that if the Appellant decided not to pay his rent from the monthly shelter and other allowances provided, then his request was not to meet an unexpected expense or an item unexpectedly needed.

The Appellant submitted that he had relapsed into drug use and he did not have the money to pay his rental arrears. He provided information about his rental agreement and the landlord's notice to end the tenancy. He did not dispute that he had been receiving his monthly shelter allowance, including for July and August 2012.

Section 57(1) of the EAPWDR sets out the specific requirements that must all be met for a crisis supplement. Regarding the first requirement that the supplement is needed to meet an unexpected expense or obtain an item unexpectedly needed, the Panel finds that the Appellant had a tenancy agreement requiring rent for a specific amount to be paid on the first of the month. Also, the Appellant did not dispute that he received a monthly shelter allowance in the amount of \$375 as well as other assistance. The Panel finds that the Ministry reasonably determined that the Appellant's

request was for rent based on a tenancy agreement and therefore was not an unexpected expense or an item unexpectedly needed.

Regarding the criteria that there are no resources available, the Ministry found that the Appellant had been continuously receiving a shelter allowance, as well as other assistance. Based on the information it had, it could not establish that the Appellant did not have resources available to pay for his July and August rent.

The Appellant submitted that he needed the Ministry's assistance to avoid ending up on the street. He did not have the money to pay for his rental arrears.

The Panel finds that the Appellant did not provide information about all his resources; for example, if he asked for help from other sources. He also did not dispute that he was receiving monthly assistance, including a shelter allowance, from the Ministry. Therefore the Panel finds that the Ministry reasonably determined that the Appellant failed to establish that he did not have the resources to pay his rental arrears.

As for the final criteria, that failure to provide the item will result in imminent danger to the Appellant's physical health, the Ministry considered the following definitions of "imminent" and "danger":

- "Imminent" as ready to take place; especially hanging threateningly over one's head; e.g., was in imminent danger of being run over. And the definition of "danger" as exposure to liability to injury, pain, harm or loss from the Merriam-Webster dictionary.
- "Imminent" as coming or likely to happen very soon; imminent disaster/danger; e.g., a strike is imminent. And the definition of "danger" as the possibility of harm or death to someone from the Cambridge International Dictionary.

The Ministry noted that the Appellant stated that he has severe head injuries with acute brain damage as well as neck and back injuries, hepatitis C and severe arthritis. However, the Ministry found that there was no supporting documentation to establish that failure to provide the Appellant with a crisis supplement would result in imminent danger to his physical health.

The Appellant submitted that if his rental arrears are not paid he will end up on the street at a vulnerable time in his life. He submitted that without a safe residence his health will deteriorate drastically. He also provided a letter from his doctor stating that she felt he would be in both physical danger and at risk of deterioration of his mental health if he was living in a park for several weeks.

The Panel finds that the Ministry reasonably considered the definitions "imminent" and "danger", and then applied the regulatory requirements to the Appellant's circumstances. In this case, although the Appellant provided evidence that he would be in physical danger on the street and would risk deterioration of his mental health, he did not provide evidence that he was in "imminent danger"; that is, danger ready to take place or likely to happen very soon. Therefore, the Panel finds that the Ministry reasonably determined that the Appellant did not establish that he faced an imminent danger to his physical health if he did not receive the crisis supplement.

The Panel finds that the Ministry's reconsideration decision was reasonably supported by the evidence and was a reasonable application of the applicable enactments in the Appellant's circumstances. The Panel confirms that decision.