

**PART C – Decision under Appeal**

The appellant appeals the reconsideration decision of the Ministry of Social Development (Ministry) dated July 24, 2012, in which the Ministry denied her request for a 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, that she had not exhausted all her resources (both criteria 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 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 uses her motor home as her primary residence/shelter, and this is also noted in the Ministry's reconsideration decision. The information before the Ministry at reconsideration included the appellant's 5-page written submission, prepared by an advocate, with an attached one-page list of estimated monthly shelter costs prepared by the appellant. The one-page list of estimated monthly shelter costs are related to the appellant's use of her motor home as her shelter and include anticipated motor home maintenance and repairs.

The appellant told the panel that she is seeking the crisis supplement to pay for the following expenses associated with her motor home: the cost of a diagnostic test to determine the problem with the motor home's starter; the cost of an assessment to determine the status of the motor home's brakes and to replace the brakes if necessary (the state of the brakes cannot be determined without the assessment); and the cost of replacement of at least three of the motor home's tires which are aging and have developed cracks. The appellant also seeks the crisis supplement to cover the cost of a sheet of plastic to cover the motor home to prevent leaks (she acknowledges that she received a crisis supplement in July 2012 to pay for the replacement of vents in the motor home, to address a leak problem, but she is aware that the leaks may recur and requires the plastic sheet). The appellant told the panel she obtained a crisis supplement from the Ministry to fix a gasket problem, but that it took so long to get the crisis supplement that the problem had become much worse than if it had been fixed right away and the appellant told the panel how stressful the experience had been for her. The appellant told the panel that she had a serious mould problem in the motor home in the recent past. The appellant told the panel she did not seek a crisis supplement from the Ministry to address the repairs associated with fixing the mould problem, because of the stress experienced with her prior experience with the Ministry, instead getting a personal loan to pay for the repairs. The appellant told the panel that she needs the crisis supplement as she is allocating her shelter allowance to repaying the loan she got to fix the motor home's mould problem.

At the hearing, the Ministry confirmed that it recognizes the appellant uses her motor home as her primary residence/shelter and that, because it is also a vehicle, this sometimes causes difficulty for the Ministry. The Ministry said that the appellant's motor home is 26 years old (which the appellant confirmed) and that, although the appellant takes very good care of the motor home, it is aging and in need of repairs on an ongoing basis and the appellant is aware of this.

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 lives in her motor home and the Ministry has acknowledged that she uses her motor home as her primary residence/shelter.

## 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 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 says that the expenses associated with the repairs to the motor home are not within the anticipated expenses set out in the monthly expenses list she prepared, in particular the diagnostic to address the starter problem and to determine the status of the motor home's brakes. The appellant says that she does not have resources to meet these expenses associated with the motor home as she is allocating the \$375 monthly shelter allowance she receives as a person with disabilities to repaying the debt she incurred when she got the motor home's mould problem fixed. The appellant says that she is in imminent danger to her physical health if she is not able to stay living in her motor home, as she would be homeless. The appellant took strong issue with the statement in the reconsideration decision that there is a "pattern of reliance on crisis supplements" in her case, and explained to the panel the circumstances of the previous requests for crisis supplements in December 2010, December 2011, January 2012 and July 2012. The panel acknowledges the appellant's submission.

The Ministry says that the appellant is seeking a crisis supplement for expenses associated with her motor home, which are not unexpected costs 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 knows that her motor home is aging and that there are ongoing costs associated with maintaining it, which include the expenses which she is seeking to pay for with the crisis supplement, and that these costs are not 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, that it is the appellant's choice to use the monthly shelter allowance to repay the loan, and also that she received a crisis supplement for shelter of \$250 in July 2012. The reconsideration decision found that the appellant was unable to demonstrate that failure to provide the requested crisis supplement for shelter would result in imminent danger to her physical health, as required by subs. 57(1)(b)(i), as the appellant continues to live in her motor home.

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 Ministry reasonably determined 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 appellant requires the crisis supplement to cover ongoing maintenance associated with the motor home residence. 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 crisis supplement is "to meet an unexpected expense" was reasonable.

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The panel notes that the appellant continues to receive her \$375 monthly shelter allowance and the panel finds that the Ministry's determination that the appellant did not meet the other requirement of subs. 57(1)(a) (that she is unable to meet the expense because there are no resources available to her) was reasonable.

The panel also finds that the Ministry's determination that the appellant did not meet the requirement of subs. 57(1)(b)(i) was reasonable, as there was no evidence that the failure to provide the requested crisis supplement for shelter would result in imminent danger to her physical health.

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 crisis supplement for shelter was a reasonable application of the legislation in the circumstances. The panel therefore confirms the Ministry's decision.