

**PART C – Decision under Appeal**

The decision under appeal is the reasonableness of the Ministry's reconsideration decision dated October 1, 2012 which held that the Appellant is not eligible to receive a crisis supplement for shelter.

**PART D – Relevant Legislation**

The relevant legislation is section 59 of the Employment and Assistance Regulation (EAR).

## PART E – Summary of Facts

On August 13, 2012, the Appellant requested a crisis supplement to cover arrears owing on his rent. He was under an eviction notice and required the full amount payable for a crisis supplement, \$375, in order to bring his rent payments up to date.

On August 16, 2012, the Ministry asked the Appellant to provide it with information generally confirming that if the Ministry provided the crisis supplement that it would be used for rent and would forestall an eviction.

On September 4, 2012, the Appellant provided the Ministry with proof that he had paid back rent of \$600 and that \$300 remained owing in back rent plus \$500 for his September rent. At this point the Appellant informed the Ministry that there was a landlord-tenant arbitration underway between himself and his landlord.

On September 6, the Ministry contacted the Appellant's landlord and confirmed that the Appellant owed \$800. The landlord also told the ministry that it intended to evict the Appellant unless the full amount was paid. At this point the Ministry denied the Appellant his request for a crisis supplement.

On September 20, 2012, the Appellant submitted a Request for Reconsideration in which he stated that the landlord-tenant arbitration had taken place that day and that there was an order in place for him to (i) pay arrears of \$800 by September 28 and (ii) pay October's rent of \$500 by October 12. The Appellant told the Ministry that he could pay \$425 of the \$800 by the required date, but would need the \$375 crisis supplement to pay the entire amount. The \$500 for October's rent was not an issue.

The Ministry attempted to follow-up on this information by contacting the Appellant at his work number and the arbitration authority. However, apparently, the Ministry could not make contact with either person at the numbers provided.

In making a decision in this matter the Ministry referred to the relevant legislation finding that in order to qualify for a crisis supplement all of the following criteria must be met:

1. The supplement must be required to meet an unexpected expense or obtain an item unexpectedly needed;
2. The family unit can have no resources available to meet the unexpected expense or obtain the item unexpectedly needed on their own; and
3. Failure to meet the unexpected expense or obtain the item unexpectedly needed will result in imminent danger to the health of someone in the family unit.

As the Ministry considered that:

1. rent is not an unexpected expense or an item unexpectedly needed;
2. the Appellant had explored alternate resources; and
3. there was no evidence that failure to meet this expense would result in imminent danger to the health of the Appellant.

the Ministry considered that the Appellant had met only one of the three mandatory criteria to qualify

for a crisis supplement and so rendered its reconsideration decision to deny the Appellant's request for a crisis supplement.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry's reconsideration decision dated October 1, 2012 to deny the Appellant a crisis supplement for shelter.

The relevant legislation is section 59 of the EAR:

### 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 Panel finds that the Ministry's analysis, applying the three mandatory criteria was the correct analysis.

In regards to the Ministry's conclusions on the first criteria that the Appellant's rent was not an "unexpected expense or an item unexpectedly needed", the panel finds that the Appellant was aware that he would have to pay his rent in a certain amount and on a certain date. Consequently, the panel finds that the Appellant's rental payments were an expense that he expected to have to pay, so that they could not be characterized as an "unexpected expense or an item unexpectedly needed".

In regards to the Ministry's conclusions on the second criteria that the Ministry was satisfied that the Appellant had made sufficient efforts to find alternative funding, the panel makes no finding and defers to the Ministry's determination as it is in favour of the Appellant.

In regards to the Ministry's conclusions as to the third criteria that there was no evidence that failure to meet this expense would result in imminent danger to the health of the Appellant, the panel disagrees with this finding. The evidence before the Ministry at the time of the reconsideration decision was that the Appellant faced eviction from his home unless he received a crisis supplement in order to be able to pay his rent. There is no evidence that the Appellant had anywhere else to stay. It is the opinion of the panel that the prospect of homelessness represents "imminent danger to the health" of an individual. Based on this analysis, the panel finds that the Appellant met this third criteria.

As the Appellant has not met the first legislated criteria and all three criteria must be met in order to qualify for a crisis supplement, the panel finds that the Ministry's determination that the Appellant was not eligible to receive a crisis supplement for rent was a reasonable interpretation of the applicable legislation.

Accordingly, the Panel confirms the Ministry's decision.