

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (the ministry) reconsideration decision of September 26, 2012 in which the appellant was denied a crisis supplement for the payment of her rent in August 2012. The appellant was not eligible to receive a crisis supplement as the expense was not unexpected nor was there imminent danger to the physical health of the appellant as required under the Employment and Assistance for Persons with Disabilities Regulation, section 57.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act , section 5
Employment and Assistance for Persons with Disabilities Regulation, section 57

PART E – Summary of Facts

The information before the ministry at the time of reconsideration was:

- A 10 day Notice to End Tenancy for Unpaid Rent or Utilities, dated August 03, 2012 and signed by the landlord.
- A letter of support from Active Support Against Poverty dated September 13, 2012.
- An Employment and Assistance Request for Reconsideration signed by the appellant and dated September 11, 2012.

The appellant states that she had been living in another province prior to May of 2012. She was employed as a security guard and found that the weather and the work made her medical condition worse. Prior to leaving British Columbia, the appellant had been on Disability Benefits for 16 years and she moved out of province to assist her daughter and grandchild. The appellant states that she decided to move back to British Columbia due to her ill health and to the fact that the benefits for a Person with Disabilities are much better here. The appellant had enough money saved to pay her rent for the months of May and June and the security deposit.

Prior to moving in May of 2012, the appellant was in contact with the ministry and was told that although she was collecting Employment Insurance (EI) this would not affect her monthly Income Assistance (IA) as the amount would be deducted from her cheque the month following the start of her income assistance. In actual fact the EI was deducted from her IA at the end of June. The timing of the transaction has put the appellant \$375 behind in paying her rent. The appellant did apply for and receive a crisis supplement to assist her with paying the first month of rent in which she was in arrears, but the appellant states that by the time she received the crisis supplement, she was behind in her bills as well and the crisis supplement and HST rebate went towards paying her overdue bills. The appellant applied for a second crisis supplement as she is still behind in her rent and is in danger of being evicted and this application was denied because she had already received a crisis supplement to assist her with her rent and so this incident was treated as something which was not unexpected. The appellant states that she does not have any other means of getting the money to pay her rent. She has applied to several different agencies and has been denied. She says her daughter lives in town but is on EI and cannot give her any financial assistance. She does not feel she could live with her daughter as they did that when they lived out of the province and they have decided it is better for them to live separately. The appellant states that she is hopeful that her landlord will continue to be understanding if she remains unable to pay her rent.

The panel accepted the appellant's oral evidence under section 22(4)(b) of the Employment and Assistance Act as testimony in support of the information and records that were before the ministry at the time of appeal.

The ministry states that the appellant is a Person with Disabilities with no dependents, who has been receiving disability assistance since May, 2012. In addition the appellant is in receipt of EI benefits of \$584 per month. The appellant's actual shelter costs are \$675 rent plus \$80 utilities. The appellant was granted a crisis supplement in July 2012 due to a misunderstanding on how EI income affected assistance and is repaying her crisis supplement to the ministry. The appellant also receives a \$35 allowance for food as she is a diabetic. The ministry suggests that the appellant should be able to find accommodation in her community which is more reasonable and would fit into her budget more easily.

The ministry is satisfied that the appellant may not currently have the resources to pay the \$375

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outstanding rent however rent is not an unexpected expense. Crisis supplements are for unexpected expenses or items of need and cannot be used ongoing as a way to increase the shelter allowance for recipients with higher shelter costs.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry decision to deny the appellant a crisis supplement to pay her rent for the month of August 2012 and avoid eviction was a reasonable application of the legislation or reasonably supported by the evidence.

Employment and Assistance for Persons with Disabilities Act
Section 5

Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance for Persons with Disabilities Regulation

Crisis supplement

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.

(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 disability 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.

[am. B.C. Reg. 13/2003.]

The appellant's position is that she is behind in her rent because the ministry gave her wrong information about the timing of when the EI would be deducted from her disability assistance. She says she does not have any other income sources and is afraid she will be evicted if she remains unable to meet her rental obligations.

The ministry position is that the appellant has been given a crisis supplement in July to pay her outstanding rent. As rent is not an unexpected expense a second crisis supplement cannot be granted. The ministry maintains that the appellant does not meet the criteria set out in Employment and Assistance for Persons with Disabilities Act, Section 5 and Employment and Assistance for Persons with disabilities Regulation, Section 57. The appellant does not have an unexpected expense as rent cannot be considered as unexpected. The ministry is satisfied that the appellant may not have the resources to pay her outstanding rent but maintains that failure to meet the expense will not put the appellant in imminent danger to her physical health. The ministry suggests the appellant negotiate a repayment agreement with her landlord or move to more affordable accommodations or consider living with a room mate.

The panel finds that the appellant has received a crisis supplement in the amount of \$375 to pay for her outstanding rent for the month of July. This payment was made by the ministry in recognition that there may have been a miscommunication about how EI payments affect IA payments.

The panel finds that the second request made by the appellant for a crisis supplement to pay for outstanding rent cannot be considered as an unexpected expense.

The panel finds that the appellant has been able to talk with her landlord about her inability to pay the outstanding rent and she has not been evicted to this point and so a continuation of these circumstances will not likely result in imminent danger to her physical health.

The panel finds that the ministry decision to deny the appellant a second crisis supplement to pay her outstanding rent was a reasonable application of the legislation.

The panel confirms the ministry decision.