

PART C – Decision under Appeal

The decision under the appeal is the Ministry of Social Development (ministry) reconsideration decision dated September 26, 2012, which held that the appellant is not eligible for a crisis supplement for September rent pursuant to Section 57 (1) of the *Employment and Assistance for Persons with Disabilities Regulation (EAPWDR)*. The ministry determined that:

- Rent is not an unexpected expense;
- The appellant was aware of the move and that the need to use his September shelter allowance for his new residence was not unexpected;
- The appellant had alternate resources to meet his 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 copy of the shelter information signed by the landlord on September 6, 2012;
- Request for reconsideration dated September 12, 2012.

The shelter information states that the appellant has moved to the new residence on September 1, 2012 and his portion of rental is \$240 per month. It also indicates that the appellant's portion of security deposit is \$140 and that 4 adults and 1 child are residing at the residence. The shelter information was signed by the landlord on September 6, 2012.

The appellant in the request for reconsideration stated that he is a disabled person and that his mother is dealing with all of his documents. The appellant said that his mother made a mistake by not providing a shelter form to the ministry and that he should not pay the price for his mother's mistake.

The appellant in the Notice of Appeal stated that his mother is dealing with all of his documents, if as the ministry stated, she made a mistake by not providing a shelter form, he should not pay a price for her mistake. The appellant further stated that he needs the money to pay for his medications because he does not have a work permit or Medical Service Plan (MSP) coverage.

The appellant did not attend the hearing. After establishing that the appellant had been informed of the hearing and waiting for 20 minutes, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation (EAR).

The ministry stated that the appellant is a single recipient of disability assistance and receives \$531.42 in support allowance. The ministry submitted that the appellant lives with his family and has resources to help meet his needs. There is no evidence of danger to his health and other resources are available in the community to assist with some of his other monthly costs temporarily. The ministry submitted that the appellant was aware that he was moving in mid-August; however, he did not advise the ministry of the move until September 6, 2012. The ministry further submitted that the appellant was told to contact his previous landlord in order to get the cheque for September rent. The appellant told the ministry that the landlord did not agree to give the cheque back to him. The ministry said that rent is not an unexpected expense; the appellant receives his shelter allowance on the last Wednesday or the second last Wednesday of each month. He lives with his family and had resources available to him to pay his share for September rent.

The panel finds that:

- The appellant is a single recipient of disability assistance;
- The appellant has been living with his family;
- The appellant was aware that he was moving to a new residence in August 2012;
- The appellant did not request the ministry to stop the payment to his landlord prior to or on the first day of September;
- The appellant informed the ministry of the change of his residence on September 6, 2012;
- The appellant's last landlord refused to return the September rent.

PART F – Reasons for Panel Decision

The issue before the panel is the reasonableness of the ministry's reconsideration decision dated September 26, 2012, which held that the appellant is not eligible for a crisis supplement for rent. The ministry determined that the appellant's need for rent money was not unexpected and that he had alternate resources to meet his 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 that his mother is dealing with all of his documents and he should not pay the price of her mistake and that he needs the money to pay for his medications because he does not have a work permit or Medical Service Plan (MSP) coverage.

The ministry's position is that the reconsideration decision was reasonable as the appellant did not meet the legislative criteria for receiving crisis supplement. The appellant did not advise the ministry of the move until September 6, 2012. The ministry submitted that the appellant had resources to meet the need for his rent and no danger to health will occur if the ministry does not provide him crisis supplement.

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

- The appellant's request for crisis supplement for rent was not an unexpected expense or to obtain an item unexpectedly needed. The appellant was aware of the move in August and failed to inform the ministry in order to stop the rent cheque for the month of September. The appellant has been living with his family and was able to pay \$240 rent for September out of the \$531.42 support allowance therefore he had resources to meet the rent expense.

- The panel finds that there is not sufficient evidence before the panel that failure to obtain the crisis supplement for rent will result in imminent danger to the appellant's health as the appellant has secured accommodation.

Accordingly, the panel finds that the ministry's decision denying the appellant's request for a crisis supplement for rent 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