

PART C – Decision under Appeal

This is an appeal of a reconsideration decision of the Ministry of Social Development (“the ministry”), dated December 6, 2012, in which the ministry denied the appellant a crisis supplement for rent for December 2012. The ministry relied on section 57 of the Employment and Assistance for Persons with Disabilities Regulation, finding that the need to pay rent was not unexpected, there was no evidence that resources weren’t available to the appellant and that his physical health was not in danger.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”) Section 57

PART E – Summary of Facts

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

- The appellant's request for reconsideration. In it the appellant states that he was not applying for travel funds to see his dying ex-wife but to replace his WCB payment of \$430.80, which was deducted by the ministry.
- The portion of the request for reconsideration completed by ministry staff sets out the original request and decision as follows:
 - On November 16, 2012 the appellant requested a crisis supplement for his December rent because of costs incurred to travel to visit his dying ex-wife. The ministry suggested he borrow the money or negotiate a payment arrangement with his landlord, which he refused to do. The ministry states that despite receiving this information the appellant insisted on a decision regarding this matter. The decision was stated that his request for crisis shelter funds was denied because he did not meet the legislated criteria.

The reconsideration decision deals with the crisis supplement but contains the statement: “[The reconsideration officer confirmed that you also want a reconsideration of the decision to deduct WCB payments from your disability assistance, and you will request this through the Employment and Assistance Office.]”

Subsequent to the reconsideration decision but prior to the hearing the appellant submitted documents in which he:

- Expressed his concern at the limited time made available to him to prepare for his appeal hearing.
- Stated that he only required partial financial help to assist him, not full help.
- Stated that he was left destitute for food and the trip back from seeing his dying ex-wife was \$145.

His submission also contained a letter he received from the BC government advising him that, as a recipient of Persons With Disabilities assistance, he is able to earn up to \$800 per month without having it deducted from his assistance payment. As well he included notices regarding his Tribunal Hearing and noted on them the dates he received them.

The following evidence was introduced at the hearing:

- The appellant stated that he had paid his December 2012 rent and was concerned about the fact that his WCB wage loss payment had been deducted from his assistance payment. He didn't feel it was fair to deduct the WCB payment
- The ministry referred to the notes on file and stated that the appellant had discussed this issue with the ministry and, with respect to the deduction for the WCB payment, he was advised to contact the ministry office as his request for reconsideration and appeal dealt only with his request for a crisis supplement.

- The appellant had not made additional contact with the ministry regarding the deduction for the WCB payment as he understood that the tribunal hearing would be dealing it. He was advised to initiate contact with his local office as soon as possible.

Under section 22(4)(b) of the Employment and Assistance Act, the Panel admitted the new evidence as it is in support of information and records which were before the Ministry at the time of its decision.

PART F – Reasons for Panel Decision

The issue to be decided is whether the ministry's decision to deny a crisis supplement for the appellant's December rent payment was reasonably supported by the evidence, or a reasonable application of the applicable enactment in the circumstances of the person appealing the decision.

The applicable portion of section 57 of the EAPWDR states:

- 57 (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*.

Appellant's submission

The appellant argues that his real concern is the deduction of his WCB wage loss earnings by the ministry which, in addition to the trip he made to visit his dying ex-wife, put him in the position where he could only afford to eat porridge for meals after he paid his December 2012 rent.

In his appeal submission and at the hearing the appellant stated that he had very little time to prepare for this appeal but did not want an adjournment. He argued that the ministry's actions left him with very little money in December and he was forced to eat porridge for most meals. He referenced the letter from the BC government which stated that he could now earn \$800 per month in addition to his income assistance payments. He also argued it was unfair that his WCB payment had been deducted from his assistance payment.

Ministry's submission

The ministry argues that the appellant was informed that the reconsideration dealt exclusively with his request for a crisis supplement for his December 2012 rent. He had been advised to initiate contact with the ministry office regarding the deduction of his WCB payment.

Reasoning

The panel advised the appellant that it was constrained to examining the ministry's reconsideration decision which dealt solely with the denial of a crisis supplement for his December 2012 rent and not the deduction of his WCB payment.

Examining the first criterion, that "the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed," the panel finds the ministry was reasonable in its conclusion that the December 2012 rent payment was not unexpected, as the regular disability assistance payment is designed to include an amount for living costs and support. This includes rent.

The panel also finds the ministry was reasonable in requiring evidence beyond what the appellant presented to demonstrate that "there are no resources available to the family unit." The appellant

indicated that he chose to pay his rent and forgo eating well. The ministry had suggested he seek a loan from his landlord or family member, but there is no evidence of this occurring.

The third test relates to "imminent danger to the physical health of any person in the family unit" or that the inability "to meet the expense or obtain the item" will result in the "removal of a child under the *Child, Family and Community Service Act*."

Again, the ministry was reasonable in determining no danger existed as the appellant was able to stay in his home and was able to eat, albeit on a reduced diet. Nor is there evidence that the potential removal of a child is at issue.

In conclusion, the panel finds the ministry's decision was reasonably supported by the evidence.

The decision is confirmed.