

PART C – Decision under Appeal

The decision under appeal is the Reconsideration Decision dated February 27, 2013 in which the Ministry of Social Development (the "ministry") denied the appellant's application for a crisis supplement for clothing in the amount of \$100.00. The ministry held that since the appellant had received a crisis supplement for clothing in the amount of \$100.00 in September, 2012 and since such a supplement could be provided to the appellant only once in each 12-month period then, pursuant to section 57(4)(c) of the *Employment and Assistance for Persons with Disabilities Regulation*, the appellant was not eligible for a crisis supplement for clothing in February, 2013.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 57(4)(c).

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that the appellant had been notified of the hearing, the panel proceeded with the hearing under section 86(b) of the *Employment and Assistance Regulation*.

The written evidence before the ministry on reconsideration was the appellant's typed statement forming Section 3 of the Employment and Assistance Request for Reconsideration. In that statement the appellant related that:

1. he required a crisis supplement for clothing because he had been locked out of his residence by his landlord who did not allow him to retrieve any of his clothes or other personal belongings;
2. the only clothing he had is what he "had on [my] back and nothing else" at the time he was locked out;
3. these clothes are inadequate for his needs, particularly given changes in the weather;
4. he had attempted, unsuccessfully, to obtain free clothing from several charities and from his family;
5. in addition to his need for clothing, the lack of proper clothing resulted in a loss of personal dignity; and
6. if he had the crisis supplement for clothing he would be able to purchase clothing at second hand stores or church thrift shops, particularly shoes, outerwear and sleepwear.

In the Notice of Appeal the appellant reiterated some of the foregoing information but provided no additional information.

The ministry led no evidence at the hearing of the appeal. In response to questions from the panel the ministry confirmed that:

1. the appellant had been designated a person with disabilities some years ago and he presently received financial assistance from the ministry as a person with disabilities; and
2. the appellant had applied for a crisis supplement for clothing in September, 2012 and at that time he received a supplement in the amount of \$100.00.

The panel found as facts:

1. The appellant was a person with disabilities at all times material to this appeal.
2. The appellant had applied for a crisis supplement for clothing in September, 2012 and had at that time received a supplement in the amount of \$100.
3. The appellant had again applied for a crisis supplement for clothing in February, 2013 - that is, the crisis supplement which is the subject of this appeal – because he had been locked out of his residence by his landlord and the only clothing he had was the clothing he was wearing when he was locked out.

PART F – Reasons for Panel Decision

The issue on this appeal is whether or not the ministry reasonably determined that in February, 2013 the appellant was ineligible for a crisis supplement for clothing because, pursuant to section 57(4)(c) of the EAPWDR, in September, 2012 he had already received the maximum for such a supplement for the 12-month period ending on the date of his application in February, 2013.

The relevant legislation is as follows:

EAPWDR

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

(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.

The position of the appellant on appeal was that what he described as the illegal action of his landlord in locking him out and seizing his clothes and other personal possessions had placed him in the difficult and undignified position of having no clothes other than the clothes he was wearing when he was locked out. Clearly he had a need for the crisis supplement for clothing and, accordingly, the appellant took the position that the ministry should provide the supplement.

The position of the ministry on appeal was that the reconsideration decision arrived at the only result that the legislation permitted. Although the appellant, as a person with disabilities, was eligible for a crisis supplement for clothing, section 57(4)(c) of the EAPWDR limited the provision of such a supplement to \$100.00 every 12-month period. Since the appellant had received the maximum supplement of \$100.00 in September, 2012 he had used up his eligibility for the supplement until September, 2013.

Applying the clear meaning of section 57(4)(c) of the EAPWDR to the appellant, the panel found that during the period September, 2012 through August, 2013 the appellant was eligible for a maximum crisis supplement for clothing in the amount of \$100.00. Since he had received that maximum supplement in September, 2012, when in February, 2013 he applied for another crisis supplement for

clothing he had already exhausted his eligibility for such a supplement during the 12-month period beginning in September, 2012. The panel noted, further, that the wording of Section 57(4)(c) is mandatory – “must not exceed” – thereby removing from the ministry any discretion in its application of this section to the appellant.

Accordingly, the panel concluded that the decision of the ministry – that, in February, 2013, the appellant was not eligible for a crisis supplement for clothing – was reasonably supported by the evidence and was a reasonable application of the relevant statutory provision in the circumstances of the appellant. The February 27, 2013 reconsideration decision is confirmed.