

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (Ministry)'s reconsideration decision dated May 7, 2013, finding the Appellant is not eligible to receive a crisis supplement for rent as her request does not meet the legislated criteria set out in section 57 of the Employment and Assistance for Persons with A Disability Regulation (EAPDR), specifically:

- (1) Rent is not an unexpected expense or an item unexpectedly needed; and
- (2) Failure to meet the expense will not result in imminent danger to the physical health of the Appellant.

PART D – Relevant Legislation

The relevant legislation is section 57 of the EAPWDR.

PART E – Summary of Facts

The evidence before the ministry at the time of reconsideration:

- Request for reconsideration dated April 26th, 2013;
- Letter from the appellant's medical practitioner (MP) dated January 31st, 2013;
- Shelter Information form dated February 8th, 2013;
- 10 day Notice to End Tenancy dated April 12th, 2013;

The Appellant is in receipt of disability assistance as a person with a disability. In October 2012 she moved from one community to another in order to be closer to better health care facilities. She initially lived with her sister in the new community. Due to financial constraints she did not move most or any of her belongings, leaving them in her previous accommodation. She subsequently advised the Ministry of her move and applied for a moving supplement, which application was denied. She then applied to the Ministry for funds to move her belongings, which application was also denied. The Appellant did not pursue a reconsideration of the decision.

In November 2012 the Appellant moved into her own rented accommodation and applied to the Ministry again for funds to move her belongings. She was asked by the Ministry to provide a doctor's letter describing the medical need for the move. No letter was received and the Ministry denied the Appellant's request. The Appellant did not pursue a reconsideration of the decision.

In December 2012 the Appellant applied for and received a \$200 crisis supplement for a bed.

In January 2013 the Appellant again applied for a moving supplement and was denied. The Appellant then submitted a doctor's letter indicating that the Appellant has colon cancer, asking the Ministry to assist the Appellant move her belongings, but failing to provide a medical rationale for the move.

In February 2013 the Appellant advised the Ministry that her previous landlord had given her a deadline of February 11 to remove her belongings or they would be disposed of, once again applying for a moving supplement, which was once again denied. The Appellant did not pursue a reconsideration of the decision. Later in the month the Appellant arranged with friends to pay them to travel to her previous accommodation and transport her belongings. She used her April rental supplement to pay them and fell behind in her rental payments.

In April the Appellant submitted to the Ministry an eviction notice requiring her to vacate her accommodation by April 22 and applied for a crisis supplement for her April rent. The Ministry denied the Appellant's request and the Appellant applied for reconsideration of the decision.

PART F – Reasons for Panel Decision

The issue under appeal is the Ministry's reconsideration decision dated May 7, 2013, finding the Appellant does not qualify to receive a crisis supplement for rent as her request does not meet the legislated criteria.

The relevant legislation is section 57 the EAPDR:

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.

The Appellant argues that she would not be in the position of being unable to pay her rent and facing eviction if the Ministry had provided her with a moving supplement on one of the numerous occasions she had made that request. As well, the Appellant states that she has a number of serious medical



conditions and this situation is making her condition worse. Facing eviction presents a serious danger to her health.

The Ministry states that a crisis supplement cannot be issued for rent because rent is not an "unexpected expense or an unexpected need". Furthermore, the Ministry argues that the information provided does not establish that failing to provide the supplement will result in imminent danger to the physical health of any person in the family unit or the removal of a child under the *Child, Family and Community Service Act*. (the Appellant lives alone).

The panel finds that rent is not an unexpected expense in that rent is a regular payment which the Appellant would know beforehand that she would have to make monthly. In this case, the reason the Appellant cannot pay her rent is because she had to pay friends to move her belongings. The panel does not accept the appellant's argument that this is an unexpected expense or item unexpectedly needed as the appellant also knew that the items she had in left at her previous accommodation could not remain there indefinitely.

The panel also finds that there is no evidence that failure of the Ministry to provide the crisis supplement would result in imminent danger to the physical health of any person in the family unit. While the panel acknowledges the stress this situation is causing the Appellant – especially given her health concerns – noting there is was no evidence before the Ministry at the time of the reconsideration decision, nor before the panel establishing that not receiving the crisis supplement would result in imminent danger to the physical health of any person in the family unit.

The panel finds there is no evidence that the family unit will be in imminent danger if the ministry did not provide the crisis supplement for rent. The panel finds that the ministry reasonably determined that failure to provide a crisis supplement to pay the appellant's rent will not result in imminent danger to the physical health of any person in the family unit or the removal of a child under the *Child, Family and Community Service Act*.

The panel finds the ministry reasonably determined that the appellant failed to meet the criteria in section 57(1) EAPWDR and therefore the ministry's decision not to provide the appellant with a crisis supplement for rent was reasonable.

Accordingly, the Panel finds that the Ministry's decision is a reasonable application of the relevant legislation and confirms the ministry's decision pursuant to section 24(1)(b) and 24(2)(a) of the Employment and Assistance Act.