

PART C – DECISION UNDER APPEAL

The decision under appeal is the ministry's Reconsideration Decision dated April 10, 2013 which held that the appellant was not eligible for a crisis supplement for shelter because the appellant did not meet all of the criteria set out in Section 57 of the Employment and Assistance for Persons with Disabilities Regulation. The ministry held that the appellant has not demonstrated that the need to pay her rent was an unexpected expense or to obtain an item unexpectedly needed as set out in Section 57(1)(a), nor has the appellant established that failure to pay the rent will result in imminent danger to her physical health as set out in section 57(1)(b)(i).

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons with Disabilities Act, (EAPWDA)
Section 5 Disability assistance and supplements

Employment and Assistance for Persons with Disabilities Regulation, (EAPWDR)
Section 57 Crisis supplement

PART E – SUMMARY OF FACTS

The appellant was not in attendance at the hearing. After confirming that the appellant was notified the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

The evidence before the minister at reconsideration was as follows.

- An eviction notice setting out that the appellant has failed to pay rent of \$700.00 that was due on March 1, 2013, signed by the landlord on March 14, 2013.
- A request for reconsideration form completed by the ministry dated March 21, 2013 which states in part:
 - the appellant called to notify the ministry of the eviction notice on March 20, 2013;
 - the appellant lives with her 19 year old adult child and another adult child, she is the sole recipient of benefits;
 - the appellant stated she used the money she had to buy groceries and pay a gas bill of \$211.00;
 - the appellant stated that if she received the maximum crisis supplement of \$375, she could make arrangements with the landlord to repay the outstanding amount;
 - this was the sixth eviction notice the appellant had been served with at this address, the other eviction notices were served on March 2011, June 2011, November 2011, May 2012, January 2013 and the current eviction notice March 2013;
 - the ministry has issued a crisis supplement for shelter for this residence on three occasions; and
 - the appellant has been advised to seek more affordable housing;
- The reconsideration decision which contains additional information:
 - in January 2013 the appellant requested a crisis supplement for shelter because she had spent her money on groceries, bills and other expenses;
 - the appellant receives \$926.42 in monthly disability benefits;
 - the appellant has been told her shelter costs are too high in relation to her disability benefits;
 - the appellant has been issued eight crisis supplements in the last 12 months;
 - the appellant has previously been issued with crisis supplements for shelter on two occasions; and
 - the appellant has been denied her request for a crisis supplement for shelter on three occasions, yet she remains at the same address.

In the appellant's Notice of Appeal the appellant stated that the reconsideration decision was unfair and as a result she will not have any kind of support for shelter.

At the hearing, the ministry relied on the reconsideration decision.

PART F – REASONS FOR PANEL DECISION

The issue is whether the ministry's decision to deny the appellant a crisis supplement for shelter because the appellant did not meet all of the criteria set out in Section 57 of the EAPWDR because the appellant has not demonstrated that the need to pay her rent was an unexpected expense or to obtain an item unexpectedly needed as set out in Section 57(1)(a), nor has the appellant established that failure to pay the rent will result in imminent danger to her physical health as set out in section 57(1)(b)(i) is reasonably supported by the evidence or a reasonable application of the applicable legislation in the circumstances of the appellant.

The legislation provides the following.

Employment and Assistance for Persons with Disabilities Act**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*.

The appellant's position is that the reconsideration decision was unfair and as a result she will not have any kind of support for shelter.

The ministry argues that it was not unexpected that the \$700.00 rent was due on the first of the month; the rent was the same every month. Further, the appellant stated she used her benefit to buy groceries and pay her gas bill, neither of these are unexpected expenses. With respect to the risk of imminent danger to the physical health of the appellant the ministry noted that the appellant had received eviction notices previously where a crisis supplement had been denied but the appellant continues to reside at the same address.

The landlord appears willing to work with the appellant as the appellant had reported first that the landlord would accept the \$375.00 crisis supplement and later reported the landlord would accept anything in order to allow her to stay in the residence.

The panel finds the ministry's determination that that there was not an unexpected expense or a need to obtain an item unexpectedly needed as set out in Section 57(1)(a) was reasonably supported by the evidence as the panel found that living expenses such as monthly rent, groceries and utility bills are predictable and not unexpected.

The panel notes that while there is some discrepancy in the ministry documents between the number of crisis supplements issued to the appellant not all the requests for crisis supplements for shelter were approved yet the appellant continues to reside at the same address. The panel finds that the ministry reasonably determined that the landlord has demonstrated flexibility with respect to the appellant's ability to pay her rent and the appellant has provided no evidence that failure to provide a crisis supplement for shelter will result in imminent danger to her physical health as set out in section 57(1)(b)(i).

The panel therefore finds the applicant has not met all the criteria under section 57(1) of the EAPWDR as required to be eligible for a crisis supplement therefore ministry's decision was a reasonable application of the applicable enactment in the circumstances of the appellant and the panel confirms the decision.