

PART C – Decision under Appeal

In a reconsideration decision dated 24 July 2013, the Ministry denied the Appellant a crisis supplement for unpaid property taxes because they determined the need to pay property taxes is not unexpected as set out in the Employment and Assistance Regulation, Section 59 (1).

PART D – Relevant Legislation

Employment and Assistance Act (EAA) Section 3 and 4
Employment and Assistance Regulation (EAR) Section 59
Employment and Assistance Regulation (EAR) Schedule A, Section 4(2) and 5

PART E – Summary of Facts

The evidence before the Ministry at the time of the reconsideration decision included:

- A two page submission from the Appellant's Advocate dated July 24, 2013 that it is the Appellant's position that due to the inadequate support from the Ministry, the Ministry's failure to recognize her condition and give her a Persons with Disability (PWD) designation, the on-going stress and on-going threat of homelessness, the Ministry should pay her property tax in arrears. The current tax owing is \$1071.96 of which \$85 is the delinquent tax portion. Furthermore, the Appellant requests the Ministry pay her a lump sum of \$13,392 which represents the difference in support that she would have received if she had successfully obtained a PWD designation in January 2009.
- A handwritten note dated May 30, 2013 from the Appellant to the Ministry stating she suffers from chronic fatigue and needs to be provided for properly.
- A handwritten note dated May 28, 2013 titled Restorative Justice.
- A hand written note dated April 28, 2013 requesting an appointment with the Ministry to discuss her property taxes.
- A letter dated April 16, 2013 from the city financial officer with an attachment detailing the \$1071.96 arrears and delinquent property taxes and utilities owing.
- A utilities invoice from the city dated April 9, 2013 for the amount of \$839.06.
- A utilities invoice from the city dated February 18, 2013 for the amount of \$686.61.
- A letter dated January 14, 2013 from the city financial officer stating the delinquent amount of \$83.69, the arrears amount of \$970.09 and noting delinquent taxes must be paid by September 30, 2013.
- A bank statement from January through May, 2013.

In the Reconsideration Decision, the Ministry states the Appellant is a sole recipient of income assistance with a Person with Persistent Multiple Barriers (PPMB) receiving \$375 per month for shelter and \$282.92 per month for support. It notes the Appellant has received \$255.84 in crisis supplements in the past 12 months for property taxes. The Ministry estimates the Appellant's monthly shelter costs at \$510, and that she has a supplier payment to the city at \$65 per month and her property tax is \$1071.96 in arrears of which \$85 is delinquent. The Ministry also confirms the Appellant was denied a PWD designation in January 2009 and she has had a PPMB qualification since June 2006.

In her written submission to the Tribunal, the Appellant details her work experiences and health issues from May 2006 to September 2013. She also states the assistance she receives is insufficient and needs the full disability benefits owed to her. Also included in the submission are:

- A utilities invoice from the city dated June 19, 2013 for the amount of \$962.90.
- A letter dated August 23, 2013 from the city financial officer detailing \$1001.46 in arrears of property taxes and utilities owing.
- A statement titled "Contributing Factors" from the Appellant dated August 30, 2013 that details her past activities and her current status.
- A document titled "What is the chicken farmer supposed to do?".
- A document titled "Raining all the time".
- 16 pages of copies of photographs of the Appellant's face.
- A document titled "The phoenix rises again".

- A copy of a diploma in cosmetology/esthetic issued to the Appellant.
- A document titled "Creamy D".
- A poster for a business identifying the Appellant as the proprietor.
- A letter dated June 10, 1999 to the Appellant from the office of the premier.
- A certificate of incorporation for a society.
- A two page resume of the Appellant.

After review of the Appellant's written submission to the panel, the Panel finds the utility invoice dated June 19, 2013 and the letter from the city financial officer dated August 23, 2013 are in support of the evidence before the Ministry at the time of the Reconsideration Decision and admits it per as the EAA, Section 22(4)(b). The Panel accepts the balance of the documents as part of the Appellant's argument that is, submission only.

PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the Ministry's decision to deny the Appellant a crisis supplement for unpaid property taxes because they determined the need to pay property taxes is not unexpected as set out in the Employment and Assistance Regulation, Section 59 (1).

The Ministry argues the Appellant's allowable monthly shelter allowance is \$375, her actual shelter costs are over \$500 per month and it is unable to fund a higher shelter allowance than the legislation allows. The Ministry also argues that the monthly cost for the Appellant's shelter or her property taxes are not unexpected expenses.

The Appellant argues that due to the Ministry's failure to designate her as a PWD, the Ministry should pay her property tax in arrears because the support she currently receives is not sufficient. Furthermore, the Appellant requests the Ministry pay her a lump sum of \$13,392 which represents the difference in support that she would have received if she had successfully obtained a PWD designation in January 2009.

The pertinent legislation from the EAR for the issue in this case is as follows:

59 (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,

Because the issue in this case is the reasonableness of the Ministry to deny the Appellant a crisis supplement for property taxes, the Panel finds any argument regarding previous requests and subsequent appeals to the Ministry bears no weight to this issue. The Panel also notes the Ministry has stated it has no ability to review previous decisions as set out in the EAA, Section 18.

As per the submitted evidence, the Appellant currently receives the maximum amount allowable for her PPMB qualification for shelter allowance from the Ministry. The evidence illustrates a consistent cost of shelter for the Appellant and a growing amount owing to the city for unpaid property taxes and utility costs. There is no evidence to suggest the property tax owing is an unexpected expense. Therefore, the Panel finds the Ministry reasonably determined the request for a crisis supplement for unpaid property taxes did not meet the eligibility criteria as set out in the EAR, Section 59(1).

APPEAL #

The Panel finds the decision was a reasonable application of the applicable enactment in the circumstances of the Appellant and confirms the decision.