

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision of August 20, 2013, which denied the appellant's request for a crisis supplement for home repairs. The ministry found that the legislative criteria set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) were not met because the purchase of a new kitchen faucet after many years of use is not an unexpected expense, because no verification was provided of lack of financial or community resources, and because the ministry was not satisfied that failure to provide these funds would result in imminent threat to the appellant's physical safety.

### PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA), s. 5  
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), s. 57

## PART E – Summary of Facts

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

- In an undated letter the appellant states that her tap leaks badly and she needs a new one.
- Pictures, specifications and quotes for 6 kitchen faucets.
- In her request for reconsideration dated August 1, 2013 the appellant reports that her 36 years old water tap in her kitchen is dripping cold water. She does her dishes and her laundry by hand. She has to drink 12 glasses of cold water per day as prescribed by her doctor. Her dishwasher has been broken ever since she moved in. She has a bowel disease for the rest of her life and she is still on a walker ("6 ½ months").

In its reconsideration decision dated August 20, 2013 the ministry states that the appellant is a recipient with PWD designation, and that on July 19 the ministry clarified with the appellant that her kitchen faucet was working but had been leaking for three weeks.

In her Notice of Appeal dated August 28, 2013, the appellant states that she has to eat 3 meals per day with her pills. She got rid of her nurses and she has to lie down at times. She needs them but she does everything herself. She pays \$ 242 strata fees per month and badly needs an extra \$ 100 per month.

At the hearing the appellant reports that her health is in poor state and she cannot move around easily. She has to take a lot of medicine for which she needs cold water. The kitchen faucet works but has been dripping for a while, the bathroom faucet works but is some distance away. The cost for her medications is high and she owes \$ 600 for water.

The advocate, who is also the appellant's friend, states that the appellant's condo is in a poor state of repair: there is no washer and dryer, the kitchen faucet is 32 years old, the chrome is corroded, it leaks at the base and is too old to be repaired. It causes mold to build up and presents a health issue. The new faucet for \$ 59.99 as shown in one quote would be the most appropriate replacement. The advocate further states that the appellant does not have any financial means to pay for a new faucet nor does she have any other place to get her drinking water from. She needs a washer/dryer and additional resources because things deteriorate and expenses go up. The appellant has no family to help her.

Pursuant to section 22(4) of the Employment and Assistance Act, the Panel admits the appellant's/advocate's oral testimony because it provides additional details surrounding the appellant's need for a new water faucet as well as her financial circumstances and is in support of the evidence that was before the ministry at reconsideration.

The ministry relied on its reconsideration decision and emphasized that it has to consider the relevant legislation. It clarified that an appellant needs to show bank statements and attempt to get help from community resources like non-profit organizations to demonstrate that all available funds have been exhausted.

## PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry was reasonable in denying the appellant's request for a crisis supplement for home repairs. Specifically, did the ministry reasonably determine that pursuant to section 57 (1) EAPWDR the purchase of a new kitchen faucet after many years of use was not an unexpected expense, that the appellant has provided no evidence demonstrating she has no resources available, and that failure to provide these funds did not cause an imminent threat to the appellant's physical safety?

The relevant legislation is as follows:

### **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 argues that she is entitled to receive funds for a new kitchen faucet because she needs to drink the medically prescribed amount of cold water each day and do dishes and laundry in the kitchen sink. As a result of her severe arthritis she is unable to walk to the bathroom every time she needs to drink water. Her health is at risk because her old tap will stop working at some point in the near future and is leaking now causing mold. She has no money available and her monthly expenses are more than she can afford.

The ministry's position is that it is not unexpected that a kitchen faucet needs replacing after many years of use. Cold water required for health purposes can still be gotten from this faucet as it is still working even though it has been leaking for some time. As the appellant has not provided verification that there is no money available in her bank account or that she has exhausted all community resources the ministry is not satisfied that she has no available resources to obtain the requested item. The ministry further argues that failure to provide funds for a kitchen faucet does not result in an imminent threat to the appellant's physical safety.

The panel finds that pursuant to EAPWDR section 57 (1) (a) the deterioration of the appellant's old kitchen faucet is not an unexpected event and that in the absence of bank information there is not sufficient evidence that the appellant is unable to meet the expense for a new faucet. Pursuant to section 57 (1) (b) the panel finds that there is not enough evidence that failure to provide funds for a new faucet would result in imminent danger to the appellant's physical health. For these reasons the panel finds that the ministry's denial to provide the appellant with a crisis supplement was a reasonable application of the applicable enactment in the circumstances of the appellant. Therefore, the panel confirms that decision.