

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry)'s Reconsideration Decision dated September 27, 2013 in which the ministry denied the appellant's request for a crisis supplement for a bed.

The ministry's decision states that the appellant's request does not meet the criteria set out in Section 57(1)(a) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) in that the requested item is not an unexpected expense or needed unexpectedly and there is insufficient information to establish that the appellant does not have the resources available to obtain the item on her own.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA) section 5
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 57 and Schedule A

PART E – Summary of Facts

The evidence before the ministry at the time of the reconsideration decision consisted of:

The appellant's Request for Reconsideration (RFR) dated September 19, 2013 in which she states that she sleeps on the hardwood floor which causes her to suffer and she has health problems, such as asthma. The appellant states that it is cold. She states that she believes that she does not have the necessities of life. The appellant notes that her couch is falling apart and she also needs a table because since leaving her last residence, which she indicates was condemned, her furniture has not been good due to mice and cockroaches.

As set out in the reconsideration decision, the ministry states that the appellant initially requested a crisis supplement for a bed on September 19, 2012 when she had moved to new accommodation after being evicted in July 2012 from her previous residence. The ministry states that when she vacated the residence in July 2012, the appellant had left her furniture and when she returned to collect it, in late July or early August, the landlord had thrown it out. The ministry did not provide the crisis supplement at that time as they determined that it was not unexpected that the landlord would throw away the furniture that had been left at the residence. The ministry notes that in January 2013 the appellant had advised the ministry that she was looking for new accommodation, as she stated the place she was staying had been condemned (this was not able to be verified by the ministry). In May 2013, the ministry confirmed that the appellant had moved into new accommodation. The ministry states that in June of 2013 the appellant had requested a reconsideration of the denied crisis supplement for furniture from September 2012 and was advised that the time period (20 business days) in order to request a reconsideration of the decision had passed.

The ministry states that in September 2013 the appellant requested proof of the denied crisis supplement from September 2012 in order to receive assistance from a charity organization for a bed; however the ministry was not advised if the appellant did indeed secure a bed from the organization and the ministry reviewed the request for a bed under the legislative criteria.

The ministry did state that they were satisfied that the failure of the appellant to meet her need for a bed would result in an imminent threat to her physical safety if she continued to sleep on the hardwood floor, as the appellant reports that she has asthma and is susceptible to pneumonia. The ministry notes that the appellant stated that she did not have the financial resources to meet the expense for a bed because she spends her disability support on food and helping out her grandchildren. The ministry finds that the appellant receives \$531.42 support and \$375 shelter (minus \$20 repay) each month. The ministry adds that the appellant's request was initially denied because she has been without a bed for a year and therefore it is not an unexpected expense.

In her Notice of Appeal the appellant states that she disagrees with the ministry's reconsideration decision and feels that she is being treated unfairly because she is 'status', adding that she has not asked for help before and she needs a bed to sleep on. She states that she is on disability and has asthma and that this situation is adding to her stress.

At the request of the appellant and with the consent of both parties, the appeal proceeded by way of a written hearing, pursuant to section 22(3)(b) of the Employment and Assistance Act.. Neither party provided further submissions before the hearing.

PART F – Reasons for Panel Decision

The issue on the appeal is whether the ministry's decision to deny the appellant's crisis supplement for a bed, on the basis that her request did not meet the legislated criteria of EAPWDR section 57(1)(a), was reasonably supported by the evidence or was a reasonable application of the applicable legislation in the circumstances of the appellant.

The relevant sections of the legislation are 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*.

(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, and

(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
for a family unit in a year must not exceed the amount calculated under

or

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.

(BC Reg. 13/2003)

Whether the expense is unexpected or whether the request is required to obtain an item unexpectedly needed

The appellant's position, as set out in the RFR, states that she sleeps on the hardwood floor which causes her to suffer and she has health problems such as asthma. She states that she believes that she does not have the necessities of life. The appellant notes that her couch is falling apart and she also needs a table because since leaving her last residence, which was condemned, her furniture has not been good due to mice and cockroaches.

The ministry's position, as set out in the reconsideration decision, is that the information does not establish that there was an unexpected expense, or that a supplement is required to purchase an item unexpectedly needed. The ministry states it was unable to determine if the appellant has been able to obtain a bed since her original request for a crisis supplement in September 2012, at which time she states that her furniture had been thrown out by a landlord in July/August of 2012, or if she has been sleeping on the floor since that time. The ministry states that it is also unable to determine if the appellant's need for a bed was unexpected due to her previous residence being infested with mice and cockroaches since there is also insufficient evidence that the appellant's previous residence was condemned in January 2013 in view of the fact that the appellant did not move out until May 2013.

The panel finds that the appellant did not demonstrate that she was unexpectedly in need of a bed and , therefore; the panel finds that the ministry's decision that the appellant's request for a crisis supplement was not an unexpected expense or to obtain an item unexpectedly needed as required by EAPWDR section 57(1)(a) was reasonable.

Whether resources available

The appellant does not address whether there are any resources available to her to meet the expense of purchasing a bed.

The ministry's reconsideration decision notes that that the appellant stated that she did not have the financial resources to meet the expense for a bed because she spends her disability support on food and helping out her grandchildren. The ministry finds that the appellant receives \$531.42 support and \$375 shelter (minus \$20 repay) each month and chose to give her resources to her grandchildren, rather than save for a bed. The ministry also notes that the appellant had stated she is able to secure a bed from a charitable organization with

proof that she had appealed the ministry's decision to deny a crisis supplement. .

The panel acknowledges that the appellant has made attempts to access resources in the community (Salvation Army) to acquire a bed, but she has not provided any information to indicate that her current monthly expenses exceed her disability assistance, or demonstrated that she has no other resources available to her to obtain a bed, therefore, the panel finds that the ministry reasonably determined that the appellant's request did not meet the criteria of EAPWDR section 57(1)(a).

Imminent danger to health

The appellant's position is that a bed is a necessity of life and that she has asthma and is susceptible to pneumonia if she continues to sleep on the hardwood floor.

The ministry is satisfied that appellant's failure to meet her need for a bed would result in imminent threat to her physical safety if she continues to sleep on the hardwood floor.

Conclusion

In conclusion, the panel finds that the ministry's decision to deny the appellant a crisis supplement for a bed because she did not meet the criteria under Section 57(1)(a) of the EAPWDR was reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the appellant. The panel thus confirms the ministry's decision.