



### PART C – Decision under Appeal

The ministry of Social Development and Social Innovation's (the ministry) reconsideration decision dated 27 November 2013 limited the crisis supplement for clothing provided to the appellant to \$120.00 because the additional \$80.00 requested was not required to meet an unexpected expense or unexpected item of need; because the ministry was not satisfied the appellant did not have alternate resources available and because there was insufficient information to establish that failure to obtain additional clothing will result in imminent danger to the health of the appellant under s. 59(1) of the Employment and Assistance Regulation (EAR).

### PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), s. 59.

## PART E – Summary of Facts

The following evidence was before the ministry at the time of reconsideration:

- The appellant is a single parent with one child receiving income assistance since 2007.
- On 21 September 2012, the appellant contacted the ministry requesting crisis clothing since her washer / dryer had damaged all her and her child's clothing. A crisis supplement in the amount of \$175.00 was then approved.
- On 7 November 2013, the appellant contacted the ministry indicating that both her daughter's coats had been shredded in her dryer when she washed them and that her boots had been damaged by a water leak. She also indicated her own jacket had been stolen. After some research, the ministry found clothing items available at some locations and determined the appellant was eligible for a \$100.00 crisis supplement for a jacket and a pair of boots for both herself and her daughter.
- On 12 November 2013, the appellant contacted again the ministry requesting additional clothing since she had not been able to buy all the items she needed for herself and her daughter with the amount already provided. The ministry conducted further research and determined that for a total of \$120.00, the essential clothing (women's jacket \$40.00, 2 pairs of boots at \$20.00 each and children's jacket \$35.00) were available and an additional \$20.00 crisis supplement to cover the balance was then approved.
- On 13 November 2013, the appellant contacted the ministry indicating that she needed a number of additional clothing items, personal and laundry items, the latter having been used to mop up water from pipe leak. She indicated that her building only has coin laundry and she was out of funds and had no other resources available.
- On 14 November 2013, the ministry contacted the appellant requesting her to provide a letter from her landlord stating what date the pipe broke and confirmation it had been repaired and that no compensation for damages to the appellant's items would be forthcoming from the landlord.
- On 18 November 2013, the appellant indicated to the ministry that her landlord refused to provide the requested letter and that she had to get a \$100.00 loan.
- In her Request for Reconsideration (RR), dated 18 November 2013 and signed by her, the appellant indicates that she needs a further \$80.00 as crisis supplement so that she can get a jacket and boots for herself. She used the \$120.00 provided by the ministry to buy:
  - 1 winter jacket;
  - 1 rain jacket;
  - 8 pairs of pants;
  - 3 "hoodies";
  - 2 pairs of rain boots;
  - 2 pairs of winter boots;
  - 2 pairs of running shoes.
- In the RR, she further states she is aware she was only supposed to get her 1 jacket and 1 pair of boots but that everything she bought will fit her daughter for about 2 years. She cannot afford buying a jacket and boots for herself out of her monthly assistance because of a loan that she has to pay back double what she borrowed. Her cat passed away, her clothes and her daughter's clothes were damaged by the dryer, her bathroom items were damaged [by the water leak] and she had to borrow money accordingly.

In her Notice of Appeal dated 3 December 2013, the appellant indicates that she told the ministry her



daughter needed a jacket and boots plus "so much other stuff" and she feels it did speak for itself and that she still needs boots and a jacket.

At the hearing, the appellant mentioned that when she realized that she could get a much larger amount of clothing for her daughter using the funds provided as crisis supplement by the ministry, she decided to buy them instead of the jacket and boots for herself as she determined this would make more sense as many pieces of clothing were in two sizes that would fit her daughter for at least 2 years and would avoid her having to request another crisis supplement for clothing during that period of time. The panel determined the additional oral evidence was admissible under s. 22(4) of the EAA as it was in support of the records before the minister at reconsideration and was providing more information as to why the appellant chose to buy other items than the ones for which the crisis supplement was approved.

## PART F – Reasons for Panel Decision

The issue under appeal in this case is whether the ministry's decision that limited the crisis supplement for clothing provided to the appellant to \$120.00 because the additional \$80.00 requested was not required to meet an unexpected expense or unexpected item of need; because the ministry was not satisfied the appellant did not have alternate resources available and because there was insufficient information to establish that failure to obtain additional clothing will result in imminent danger to the health of the appellant under s. 59(1) of the EAR was either a reasonable application of the legislation or reasonably supported by the evidence.

The applicable legislation in this matter is section 59 of the EAR:

**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, or

(ii) removal of a child under the *Child, Family and Community Service Act*...

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:...

(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...

The ministry argued that a \$120.00 crisis supplement was requested and approved for a jacket and a pair of boots for both the appellant and her daughter and that since the appellant chose to use those funds and buy other items than those approved, the expense was not longer unexpected. Further, the ministry argued that the funds to buy those items had been provided and thus, there were alternative resources available to the appellant to meet that expense. Finally, the ministry took the position that no information was provided to demonstrate that failure to obtain those items or meet those expenses would result in imminent danger to the health of the appellant and her daughter.

The appellant admitted that she had used those funds for a purpose other than approved because she thought it was a better deal for her and her daughter and would prevent her from having to request additional crisis supplements for clothing for her daughter for the next two years. She argued that she still needed the jacket and a pair of boots for herself and that she did not have the resources to buy them since she already owed money she had borrowed and that in winter it was important to have a suitable jacket and pair of boots.

The panel notes that the ministry determined the appellant met the three criteria for a crisis supplement of \$120.00 when on 7 and 12 November 2013 she requested jackets and boots for herself and her daughter and that the issue before the panel is the balance of \$80.00 that the appellant estimates she is eligible for to buy herself a jacket and a pair of boots. As well, the evidence presented by the appellant is to the effect that on or about 13 November 2013 she suffered a broken

[REDACTED]

pipe in her residence and the panel finds that this was a separate request for a crisis supplement for damaged laundry items that is not relevant to the present appeal.

The panel finds the ministry reasonably determined the balance of \$80.00 requested by the appellant for a jacket and a pair of boots for herself was not unexpected since the ministry had already covered that expense with a crisis supplement and it is the appellant who determined after the fact that she had other priorities and chose to buy other items with the funds allocated for that purpose.

The panel further finds the ministry reasonably determined that the appellant had alternate resources available to buy a jacket and a pair of boots for herself since she had already received funding for those items and she could have bought them if she had applied the funds for the purpose for which they were approved but rather decided to use those resources for other items without further approval from the ministry.

Finally, the panel finds the ministry reasonably determined there was insufficient evidence demonstrating that failure to obtain the items or meet the expense would result in imminent danger to the appellant's health or her daughter's. The appellant mentioned at the hearing that those items were required because of winter but no information was provided, either in the documentary or the oral evidence, mentioning imminent danger to her health or to her daughter's health.

Therefore, the panel finds the ministry's decision was reasonably supported by the evidence and confirms the decision.