

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) Reconsideration Decision dated November 20, 2013 which held that the appellant is not eligible for a crisis supplement to purchase a mattress under section 59 of the Employment and Assistance Regulation because he did not meet the criteria as set out in the legislation.

The ministry is satisfied that the need for the requested item was required to meet an unexpected expense or to obtain an item unexpectedly needed, however; the ministry found that the appellant did not demonstrate that there were no resources available to him to purchase the item on his own and that failure to obtain this item will result in imminent danger to the appellant's physical health.

### PART D – Relevant Legislation

Employment and Assistance Act (EAA), Section 4.  
Employment and Assistance Regulation (EAR), Section 59.

## PART E – Summary of Facts

The appellant and the ministry did not attend the hearing. After confirming that both parties were notified of the hearing, the hearing proceeded in accordance with section 86(b) of the Employment and Assistance Regulation.

The evidence before the ministry at reconsideration consisted of the following:

- July 26, 2013, the appellant was issued a \$60 crisis supplement for furniture in order to replace an old mattress,
- July 31, 2013, the appellant was issued an additional \$60 crisis supplement for furniture because he was unable to find a mattress within the range of \$60 and indicated that he had found a mattress for \$270 and his mother was willing to assist with \$150 towards the purchase,
- October 29, 2013, the appellant requested a new mattress as a friend's dog was left unattended long enough to urinate and defecate all over the bed and chew up his mattress beyond repair, and
- October 31, 2013, the request for reconsideration in which the appellant states that;
  - he threw the mattress out because it stunk,
  - he does not have a mattress,
  - he is not sleeping and it affects his performance as a normal person, and
  - the owner of the dog was sorry but did not have resources to pay for the damages.

In his Notice of Appeal dated November 25, the appellant states that:

- he was not aware of how to fill out the form and that he does meet all four criteria,
- he has no resources at this time or will not have in the future to purchase a mattress,
- he has tried with everybody including friends to find funds,
- he is waking up with a sore back from sleeping on a box spring with wooden strips which hurt a lot, and
- he is not sleeping properly which affects his daily tasks.

### Findings of Fact

The appellant is a sole recipient with no dependants.

He receives \$235 in support and \$375 for shelter for a total of \$610 income assistance each month.

The appellant's rent is \$500 each month.

The appellant's last mattress was funded by the ministry on July 31, 2013.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis supplement for a replacement mattress on the basis that he did not meet all the legislated criteria pursuant to section 59 of the Employment and Assistance Regulation was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

### Relevant Legislation

#### EAA

#### Income assistance and supplements

4. Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

#### EAR

#### Crisis supplement

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.

(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 or for a family unit in a year must not exceed the amount calculated under 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 income 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. (B.C. Reg. 12/2003)

As the ministry is satisfied that the appellant has met the legislative criterion of; “**an unexpected expense or to obtain an item unexpectedly needed**”, the panel will concentrate on the remaining criteria which the ministry has concluded were not met by the appellant.

### **Resources available to the appellant**

The appellant's position is that he has no resources to buy a replacement mattress and that he has tried with everybody including friends to find funds.

The ministry's position is that the appellant has not provided any information to verify that he does not have the resources to purchase the item on his own or that he has exhausted all community resources to meet his need for a mattress or to help off-set the cost.

The panel finds that based on the evidence; although the appellant indicates that he has made efforts to find funds with everyone including friends, he does not provide any information that would describe what these efforts included or who else besides friends he had asked for help, in order to purchase a mattress. Therefore, the panel finds that the ministry reasonably determined that the appellant did not meet the legislated requirement pursuant to section 59(1)(a) of the EAR.

### **Imminent danger to the appellant's physical health**

The appellant's position is that he is sleeping poorly and in pain due to sleeping on a box spring which is affecting his daily living activities.

The ministry's position is that failure to assist the appellant with funds to purchase a bed would not result in an imminent threat to his physical safety.

The panel finds that although the appellant indicates that he is in pain due to sleeping on the box spring; there was no medical evidence presented to indicate that failure to meet the expense would result in imminent danger to the physical health of the appellant. Therefore, the panel finds that the ministry reasonably determined that the appellant did not meet the legislated requirement pursuant to section 59(1)(b)(i) of the EAR.

Having reviewed and considered all of the evidence and the relevant legislation, the panel finds that the ministry's decision that the appellant was not eligible for a crisis supplement for a mattress was supported by the evidence and therefore confirms the ministry's decision.