

PART C – Decision under Appeal

The decision under appeal is the Ministry's reconsideration decision dated January 24, 2014, which held that the appellant was not eligible for a crisis supplement for shelter under the Employment and Assistance for Persons with Disabilities Act Section 5 and the Employment and Assistance for Persons with Disabilities Regulation Section 57(1) because shelter is not an unexpected expense.

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(1).

PART E – Summary of Facts

The Appellant was not in attendance at the hearing. After confirming that the Appellant was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

The evidence before the Minister at reconsideration included the following documents:

- Savings account history for transactions from December 13, 2013 through December 31, 2013, showing a withdrawal of \$880.00 on December 18, 2013.
- A 10 day notice to end tenancy for unpaid rent or utilities, dated January 3, 2014.
- Savings account balance dated January 10, 2014 showing a balance of -\$1.53.
- A letter from the Appellant's Advocate to the Ministry, dated January 10, 2014 stating that the Appellant owes \$375.00 for January rent and must therefore move out by January 13, 2014. The letter states that the Appellant normally budgets for rent except for last December. That month, the Appellant gave his rent money to a neighbor who did not have any income because he did not want to see his friend homeless. The letter also states that the Appellant traveled to support "his only and best friend" who was diagnosed with terminal cancer. As the Appellant did not want to be stressed out over the holidays, he used his remaining funds to buy groceries. The letter finally states that if the Appellant is evicted from his residence, he will be homeless and this will result in danger to his physical and mental health.
- A letter from the Appellant's doctor, dated January 13, 2014, stating that the Appellant has a medical condition which requires stability and minimal financial stress.

The Appellant also submitted the following additional documents with his notice of appeal:

- A receipt showing that the Appellant made payments of \$375.00 for January rent and \$375.00 for February rent on January 23, 2014.
- In the Notice of Appeal, the Appellant stated that his advocate was not accurate in her letter. He stated that he did not travel. His friend was diagnosed with cancer and went out of town for treatment, but he did not go.

The panel determined that the additional documentary evidence was admissible under section 22(4) of the EAA as it was in support of the records before the Minister at reconsideration because it provided further detail respecting the Appellant's reconsideration submission.

The panel finds that the Appellant used his December income such that he did not have enough money to cover his January rent.



PART F – Reasons for Panel Decision

The issue under appeal is whether the Minister's decision to deny the Appellant a crisis supplement for shelter under the EAPWDA Section 5 and EAPWDR Section 57(1) is reasonably supported by the evidence or a reasonable application of the legislation in the circumstances of the Appellant.

The legislation provides the following:

EAPWDA: Disability assistance and supplements

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

EAPWDR: 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 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 disability assistance or hardship assistance that may be provided for the month under Schedule A or I 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)

The Ministry argues that three legislated criteria must be met in order to receive a crisis supplement for shelter. First, it is to meet an unexpected expense or obtain an item unexpectedly needed. Second, there must be no resources available to meet the expense. Third, failure to provide the item will result in imminent danger to physical health. Although the Ministry found that the Appellant provided information to show that he had no resources available to meet his need for the January shelter costs after the eviction notice was issued and that a failure to meet the expense will result in imminent danger to his physical health, the Ministry argues that the January rent was not an unexpected expense. The Ministry argues that if the Appellant had not chosen to give away his money, he would have had the funds to pay his rent as expected.

Although the Appellant was not present at the hearing, in the notice of appeal, he Appellant argues that the Advocate made a mistake in the letter she submitted on his behalf. He states that although he had a friend go into the hospital and die and another friend with terminal cancer went out of town for treatment, the Appellant did not travel in December.

The panel finds that there is not enough evidence to show that the Appellant's rent was an unexpected expense. Even though the Appellant did not travel, he does not dispute that he lent or gave money to a neighbor instead of using his income to pay for his upcoming rent in January. Therefore the panel finds that the Ministry's determination that the Appellant was ineligible for a crisis supplement for shelter was a reasonable application of the Employment and Assistance for Persons with Disabilities Act Section 5 and the Employment and Assistance for Persons with Disabilities Regulation Section 57(1) and confirms the Ministry's decision.