

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the ministry) dated February 24<sup>th</sup>, 2014 which held that the appellant was not eligible for the requested crisis supplement for shelter because he had not met all three criteria set out in Section 59 of the *Employment and Assistance Regulation* (EAR). The Ministry held that while the appellant was unable to meet the shelter expense from resources available and failure to meet the expense would result in imminent danger to his health, the need to pay for shelter is not an item unexpectedly needed or an unexpected expense.

PART D – Relevant Legislation

EAR – Employment and Assistance Regulations, Section 59

## PART E – Summary of Facts

The appellant went to the ministry's office for the hearing, rather than to the building where the hearing was to take place. It was agreed by all parties that the appellant could attend the hearing via telephone. The ministry provided the phone information to him and accommodated him in its offices.

The evidence before the Minister at reconsideration was:

From the ministry's files:

- The appellant is a single employable recipient of income assistance with no dependants
- The appellant receives \$610 total of income assistance per month
- January 27<sup>th</sup>, 2014: The appellant contacted the ministry call centre and stated he had outstanding rent, he has picked up odd jobs but nothing permanent, rent is \$600 per month which once working full time would be manageable
- Jan. 28<sup>th</sup>, 2014: The appellant contacted the ministry call centre and stated he had \$410 outstanding for February rent and advised that ministry would review the eviction notice when submitted.
- Jan. 31<sup>st</sup>, 2014: The appellant attended his local office and submitted eviction notice. The appellant attended a second time and requested a crisis grant for food. The worker discussed his high rent with him and said he must seek a roommate, full time job, etc.
- February 5<sup>th</sup>, 2014 – The appellant contacted the ministry call centre re status of request. Worker advised appellant to discuss urgency with local office. Appellant attended local office and was advised that as he chose not to pay full rent, it was not an unexpected item of need and does not meet crisis grant criteria. The appellant spoke to a different worker and stated he has three jobs but no hours with any employer, is taking first aid and hoping to go north in March. The worker advised he had received full benefits, is a single employable and a crisis grant would not prevent eviction as it would still leave him \$35 short. The appellant was denied and requested a reconsideration.

The following documents were submitted by the appellant:

1. Residential Tenancy Agreement dated July 5<sup>th</sup>, 2011, with attached 2 Addendums
2. 10 day Notice to end Tenancy for Unpaid Rent in the sum of \$410 dated January 29<sup>th</sup>, 2014, signed by landlord.

In the Request for Reconsideration dated February 11<sup>th</sup>, 2014 the appellant writes:

- He has interviews with companies to help him get a job which would be more steady
- One of his current jobs is for a snow removal company and winter has not been good this year for that to help him pay the bills.

In the Notice of Appeal the appellant writes:

- He was unexpectedly not given work at a time he was certain he would have it, he was training and close to obtaining a better job.

No further documents were received at the hearing.

At the hearing the ministry stood by its position at reconsideration.

The appellant stated:

- He was grateful for the forgiveness of his landlord, had not been evicted, still owes back rent, and still remains in the \$600 monthly rental accommodation
- He is to begin a job in a paid training position on March 27<sup>th</sup>, 2014
- He confirmed that he had completed first aid training however could not afford to move for employment in that field
- The appellant had previously had roommates and those situations did not work out.

The panel determined that additional oral evidence related to the appellant's rental and financial circumstances was admissible under s. 22(4) of the EAA as it was in support of the records before the minister at reconsideration as the appellant provided additional information with respect to his financial situation.

## PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's reconsideration decision which held that the appellant was not eligible for the requested crisis supplement for shelter because he had not met all three criteria set out in Section 59 of the *Employment and Assistance Régulation (EAR)* is reasonably supported by the evidence or a reasonable application of the applicable legislation in the circumstances of the appellant. More specifically, the issue is whether the ministry was reasonable in determining that his rent was not an item unexpectedly needed or an unexpected expense.

The legislation is from the EAR:

### (A) 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*.

### Appellant's Argument

- The appellant felt his words had been twisted and he paid the rent as best he could, it was an unexpected situation that he did not get work, and his landlord is dependent on the rent from the appellant to support his family.

### Ministry's Argument

The Ministry relies on their Reconsideration Decision which says:

- Criterion #1 has not been met because the need to make monthly rent payments is not unexpected, the Appellant submits that he has high shelter costs making it difficult to budget without a full time job, and is aware that monthly rent must be paid and the need to budget accordingly is not unexpected. The Ministry also notes that the Appellant previously requested a crisis supplement in September, 2013, so was previously aware of the shelter expense and need to budget accordingly.
- Criterion #2 has been met, the minister is satisfied the appellant has no alternative resources available to him.
- Criterion #3 has been met in that failure to meet rent expenses will result in imminent danger to health due to weather and limited resources in the area.
- Although Criterion #2 and #3 have been met, because there is no evidence of unexpected expense, the crisis supplement criteria have not all been met and the minister is unable to approve the request.

**Panel Decision**

The Panel notes that the legislation states that a crisis supplement may only be provided to meet an unexpected expense or obtain an item unexpectedly needed. The appellant has entered into a residential tenancy agreement under which he is expected to pay rent of \$600 monthly. While the appellant argues that the work he was relying on to cover his living costs did not materialize, the panel does not consider "unexpected circumstances" to be equivalent to the legislated criterion. The panel therefore finds that the ministry's decision that the appellant's request did not meet the "unexpected expense" criterion set out in section 59(1) of the EAR was a reasonable application of the legislation in the circumstances of the appellant. The panel therefore confirms the ministry's decision.

**CONCLUSION:**

The panel confirms the ministry's reconsideration decision because it was reasonably supported by the evidence and was a reasonable application of the applicable regulation in the appellant's circumstances.