

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated April 29, 2014 in which the ministry denied the appellant a crisis supplement to purchase new clothes because the request did not meet the criteria in the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57. The legislation requires that the need for a crisis supplement be; unexpected, that the person not have the resources available, and failure to provide the supplement would result in imminent danger to his physical health.

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

PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- A statement written by the appellant on the Request For Reconsideration form dated April 16. The appellant writes that his landlord threw out his belongings on March 30th, the day before he was scheduled to move out. He adds that he is now staying at a shelter and that he need the crisis supplement for new clothes.

In his Request For Appeal the appellant writes that he was living with his mother when their landlord threw out their belongings. He writes that his mother received a crisis supplement for clothing but he was denied for the same request. He asks why her request would be approved while his would be denied.

The appellant was not in attendance at the hearing. After confirming he had been notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

At the hearing the ministry told the panel the appellant did not meet the three conditions set out in EAPWDR section 57. The appellant had given notice to his landlord that he would be moving out at the end of the month so he was aware that he had to leave his home by March 31, 2014. Because of this, the need can not be considered unexpected since the appellant had given notice to his landlord that he would be moving out of his rental home on March 31, 2014. The ministry spoke to the appellant's landlord who said that on March 31 the appellant had a party at the home and during the party the police arrived and escorted the appellant and his mother to a local shelter. The landlord reported to the ministry that the appellant's belongings were removed from the home on April 2, 2014 after the landlord notified him to come and retrieve the items. Since the appellant was aware that he would not be able to store his belongings at the home after March 31, the ministry determined that his need for new clothing was not unexpected. The ministry continued that the appellant had not demonstrated that he has accessed other resources in the community to obtain replacement clothing. And finally the ministry determined that because the appellant was safely living in a shelter there was no apparent danger to his health.

In response to the appellant's claim that his belongings were removed from the home on March 30 versus the landlord's statement that it was on April 2, the ministry stated that there was no evidence to support the appellant's claim. The ministry responded to the appellant's argument that he should be granted the supplement because his mother made a request for the same reason and the supplement was granted to her. The ministry told the panel that each request they receive is evaluated on its own merits and due to privacy restrictions the ministry could not discuss details of a specific request.

The panel finds as fact:

- The appellant had given his landlord 30-day notice that he would be moving out of his rental home on March 31, 2014.
- The appellant had a party at his home on March 31 that resulted in him being escorted by the police to a shelter.

PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry's decision that the appellant does not qualify for a crisis supplement because his need does not meet the criteria necessary in Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57.

The relevant legislation is as follows:

Employment and Assistance for Persons with Disabilities Act (EAPWD) section 5

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.

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57.

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;
 - (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 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.

It is the ministry's position that the appellant's request for a crisis supplement did not meet the criteria as set out in EAPWDR section 57 (1) requiring that the need for the supplement be unexpected, that there are no other resources available, and that the failure to meet the need would result in imminent danger to the health of the person/family unit or cause the removal of a child from the home. The ministry argues that the appellant's need for clothing can not be considered unexpected because he was aware that he needed to leave his rental house by March 31, 2014 and because of a party he had on March 31 he was removed from the home by the police. The ministry maintains that the appellant has not shown that he has explored other resources for replacement clothes and because he is safely living in a community shelter, there is no imminent danger to his health.

It is the position of the appellant that he feels his request for a crisis supplement should be approved because his personal belongings were removed from his home by the landlord and he need to replace his clothes. He argues that his mother was granted a crisis supplement for the same circumstances.

Regarding the ministry's determination that the appellant's need for new clothes could not be shown to be unexpected the panel reviewed the timeline of events leading to the disposal of the appellant's belongings. The appellant had notified the landlord prior to February 28 that he would be moving out on March 31. The appellant claims that the landlord removed his belongings a day early on March 30 however there is nothing to support this claim. It would be reasonable that the appellant would contact the police if his landlord took his belongings while he was still the legal tenant of the home however no such support was provided. The panel finds that the ministry's version of the situation that the landlord confirmed that it was April 2 when the appellant's belongings were disposed of is the more credible claim. Satisfied that the appellant's belongings were removed on April 2, the panel finds that the ministry reasonably determined that the need for replacement clothing was not unexpected.

Regarding the ministry's determination that the appellant has not made efforts to access alternate resources for replacement clothes the panel considered that the appellant was living in a community shelter where he likely could have been referred to an agency to provide him clothing. The appellant did not provide the ministry with any evidence that he has explored other options and therefore the panel finds that the ministry was reasonable to determine that the appellant does not meet this condition.

Regarding the ministry's determination that the appellant does not face imminent danger to his health if he failed to obtain the replacement clothing the panel relied on the fact that the police escorted the appellant to a safe community shelter on March 31. Considering he had access to a safe place to stay in the community the panel finds that the ministry was reasonable to determine that the appellant

was not facing imminent danger if he failed to receive the crisis supplement. There was no reference to a child being removed from the appellant's custody so the panel finds that the ministry reasonably determined that denial of the appellant's request for the crisis supplement would result in the removal of a child from the home.

Regarding the appellant's argument that the appellant's mother was approved for a crisis supplement under the same circumstances, the panel's jurisdiction is limited to considering the reasonableness of the reconsideration decision.

The panel finds that the ministry's decision was a reasonable application of the legislation in the circumstances of the appellant and therefore confirms the ministry's decision.