

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) Reconsideration Decision dated May 7, 2014 which held that the appellant is not eligible for a crisis supplement to purchase furniture, specifically a futon, under section 57 of the Employment and Assistance for Person With Disabilities Regulation because he did not meet the criteria as set out in the legislation.

The ministry is satisfied that 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 For Persons With Disabilities Act (EAPWDA), Section 5.

Employment And Assistance For Persons With Disabilities Regulation (EAPWDR), Section 57.

## PART E – Summary of Facts

With the consent of the parties, the hearing was conducted in writing pursuant to section 22(3)(b) of the Employment and Assistance Act.

The evidence before the ministry at reconsideration consisted of a Request for Reconsideration dated April 25, 2014, in which the appellant writes that he had to throw out his futon due to a bed bug manifestation and has bought a (temporary) blow-up mattress to sleep on while he continues his treatments. The appellant writes that he has an addiction problem, is trying to quit smoking and therefore, it doesn't leave him much money every month. The appellant stated that he had moved in to a new place 6 months ago and has had to furnish it. He indicates that getting a futon would be nice (table, chairs, TV stand, dresser, night table & cooking accessories).

In his Notice of Appeal dated May 21, 2014, the appellant states that the government stopped giving out BC Tax Credits a couple of years ago and all he has is his GST that comes 3 times per year.

### Findings of Fact

The appellant is a sole recipient receiving disability assistance.

The appellant receives \$906.42 in monthly funds of which \$349.57 is provided by the ministry with the balance of \$556.85 coming from the Canada Pension Plan.

In July 2013, the appellant received \$188 for a bed, \$60 for bed/kitchen start-up and \$20 for bedding from the ministry.

## 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 furniture, specifically a futon, on the basis that he did not meet all the legislated criteria pursuant to section 57 of the Employment and Assistance for Persons With Disabilities Regulation was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

### Relevant Legislation

#### 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

#### Crisis Supplements

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 (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.

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 consider 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 futon and that he has tried several community outlets however, they all require referrals. He has priced out a futon at 2 stores, one for \$145.60, tax included and one for \$249.50 plus tax.

The ministry's position is that the appellant receives \$906.42 in monthly funds of which \$531.42 is intended to provide for such necessities as basic furniture. The ministry notes that the appellant received his GST cheque on April 5, 2014 and is eligible for \$75 BC Sales Tax Credit once he files his income tax return. Moreover, the ministry argues that the appellant purchased a blow-up mattress to sleep on. The ministry has determined that the appellant has these resources available to him and that the criterion has not been met.

The panel finds that based on the evidence; although the appellant indicates that he does not have the resources to purchase a futon, has approached community and retail outlets without success, he does not provide any information that he has also asked for help from family or friends. The panel finds that the appellant chose to use his available resources in order to purchase a blow-up mattress which as he has admitted is a temporary solution rather than towards a replacement futon. Therefore, the panel finds that the ministry reasonably determined that the appellant did not meet the legislated requirement that no other resources are available pursuant to section 57 of the EAPWDR.

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

The appellant's position is that he had to buy a temporary blow-up mattress to sleep on while he continues to have treatments.

The ministry's position is that while failure to assist the appellant with funds to obtain a bed would result in discomfort, there is no evidence that failure to obtain a bed would result in imminent danger to the appellant's health. Moreover, the appellant is using a blow-up mattress for the time being. For these reasons, the ministry has determined that the criterion has not been met.

The panel finds that although the appellant states that he purchased a blow-up mattress to sleep on while he continues to have treatments; there was no medical evidence presented to indicate that failure to provide the crisis supplement will result in immediate danger to the appellant's physical health. Therefore, the panel finds that the ministry reasonably determined that the appellant did not meet the legislated requirement that failure to provide the crisis supplement will result in immediate danger to appellant's physical health pursuant to section 57 of the EAPWDR.

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 furniture, specifically a futon, was supported by the evidence and therefore confirms the ministry's decision.