

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry)'s Reconsideration Decision dated June 20, 2014 in which the ministry denied the appellant's request for a crisis supplement for shelter costs for June, 2014.

The ministry's decision states that although the appellant has an open disability file with the ministry, she was not a recipient of disability or hardship assistance for June 2014, due to excess CPP (Canada Pension Plan) income. Under the criteria set out in Section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR), a crisis supplement can only be provided to a family unit that is eligible for disability or hardship assistance.

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 and Schedule A

PART E – Summary of Facts

The appellant is designated as a person with disabilities, and is a sole recipient of disability assistance with no dependants. On June 5, 2014 the appellant was advised by the ministry that she was ineligible for the crisis supplement to pay her outstanding shelter costs, and on June 18, 2014 the appellant requested reconsideration of that decision.

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

- 1) A copy of the appellant's online bank account statement from March 31, 2014 to May 28, 2014, indicating CPP deposits on April 9, 2014 (\$351.93), April 28, 2014 (\$11.72 + \$692.12), May 28, 2014 (\$692.12) and disability assistance payment on April 23, 2014 (\$220.73).
- 2) A 10 Day Notice to End Tenancy for Unpaid Rent or Utilities form, dated June 3, 2014 from the appellant's landlord, indicating that the appellant has failed to pay \$730 owing on June 3, 2014. A handwritten note from the appellant is attached to the End Tenancy form which states that the appellant's rent is \$490 per month and she is in arrears for \$240 because she did not receive \$220.73 as expected from the ministry, which has put her further behind. She adds that CPP had made a mistake and made it up with \$351.00 and that she never would have used the money to pay off debt if she knew it would be deducted from her disability assistance. The appellant concludes that she has submitted her name to BC Housing and prays that they will contact her.
- 3) The appellant's Request for Reconsideration (RFR), dated June 11, 2014 and signed by the appellant. In Section 3 of the RFR, the appellant states that she is behind on all her bills and her rent and when she did not receive the \$220.73 for disability assistance that she had expected on May 28, 2014 it has set her even further behind. She explains that her eviction notice states that she is \$730 in arrears but has paid the management \$190 and still owes \$300 for rent. She adds that she has received disconnection notices from Hydro and Telus. The appellant concludes that she is not well and does not want to live on the street, despite receiving help, it is not enough to put her on track. On the fax cover sheet for the RFR, the appellant writes that she has given her landlord \$190.00 and was told that if they received at least \$300.00 to meet the \$490.00, they could wait for the remainder. She adds that she has nowhere to go.

In her Notice of Appeal the appellant states that she is about to become homeless. She states that she is \$540 behind with her rent, which includes \$300.00 remaining for June and her July rent. She states that her landlord is willing to wait for the \$240.00 owing, but wants \$300.00 now. The appellant adds that she is not healthy enough to live on the street and does not have a car. Attached to the Notice of Appeal is a Rental Receipt, dated June 6, 2014 from the appellant's landlord, indicating that \$730.00 was owing, \$190.00 was paid and that \$540.00 remains due.

In the Reconsideration Decision, the ministry states that under section 57 of the EAPWDR a family unit is not eligible for a crisis supplement if they were not eligible for disability or hardship assistance

in the month the supplement was requested, which was June 2014. The ministry states that the appellant received additional income from CPP in April 2014, which exceeded her monthly assistance top up, resulting in her ineligibility for disability or hardship assistance in June.

The appellant's evidence at the hearing included the following information:

- 1) The appellant has lived at the same residence for 11 years and is very upset that she will have to leave because she has still not been able to pay all her rent for June or July. She is grateful that her landlord is working with her and trying to be patient with her circumstances.
- 2) Prior to this current situation the appellant felt that she was 'starting to see some light' in her current financial situation.
- 3) The appellant stated that the lump sum payment of \$351.93 that she received from CPP was due to a calculation error from years ago, in which she was supposed to be receiving an extra \$6 per month. She had not been expecting this lump sum and was not aware that it would make her ineligible to receive her monthly top up of \$220.73 on May 28, 2014.
- 4) The appellant stated that she previously received \$685.69 each month from CPP, which has been increased to \$692.12 as of April 2014, a difference of \$6.43.
- 5) The appellant stated that despite her disability and recovering from serious illness, she has been looking for employment to make some money in order to better her financial situation.
- 6) The appellant stated that she has been on the list for BC housing for over a year.

The ministry relied on the information within the reconsideration decision and otherwise submitted no new information. The ministry did clarify that their system is data matched with the CPP system, meaning that when CPP payments are made, the provincial system automatically deducts any additional income dollar for dollar and makes a determination on eligibility for the coming month. The ministry confirmed that the \$6.43 monthly increase to the appellant's CPP payment will be deducted accordingly from her monthly disability assistance payments going forward and she will remain eligible for disability and hardship assistance as of July.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's decision to deny the appellant's request for a crisis supplement to pay her outstanding shelter costs, on the basis that she was not eligible to receive disability or hardship assistance during June 2014, as per the legislated criteria of EAPWDR section 57(1), was reasonably supported by the evidence or was a reasonable application of the applicable legislation in the circumstances of the appellant.

The relevant sections of the legislation are as follows:

EAPWD Act

Interpretation

In this Act:

1(1)

"**disability assistance**" means an amount for shelter and support provided under section 5 [disability assistance and supplements];

"**hardship assistance**" means an amount for shelter and support provided under section 6 (1) [hardship assistance];

"**recipient**" means the person in a family unit to or for whom disability assistance, hardship assistance or a supplement is provided under this Act for the use or benefit of someone in the family unit, and includes

- (a) the person's spouse, if the spouse is a dependant, and
- (b) the person's adult dependants;

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.

Hardship assistance

6. (1) Subject to the regulations, the minister may provide hardship assistance to or for a family unit that

- (a) is eligible for it, and
- (b) is not eligible for disability assistance.

(2) If hardship assistance is repayable, before providing it the minister may specify and require a particular type of security for repayment.

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, 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 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 panel finds that Section 57(1) of the EAPWDR states that a crisis supplement may be provided to or for a family unit that is eligible for disability assistance or hardship assistance. Through no fault of the appellant, she became automatically ineligible for assistance for the month of June 2014 due to a lump sum payment received from CPP in April 2014, due to a cumulative error by CPP which occurred over the course of several years. The amount the appellant received was in excess of her monthly assistance top up, resulting in her ineligibility for disability or hardship assistance for the month of June. If the appellant had correctly received the additional \$6.43 each month, she would have continued to be eligible for disability or hardship assistance and remained eligible to apply for a crisis supplement.

Conclusion

In conclusion, the panel finds that the ministry's decision to deny the appellant a crisis supplement for outstanding shelter for June, due to her ineligibility to receive disability or hardship assistance during June 2014 as legislated under Section 57(1) of the EAPWDR, was a reasonable application of the legislation in the circumstances of the appellant. The panel thus confirms the ministry's decision.