

PART C – DECISION UNDER APPEAL

The ministry of Social Development and Social Innovation's (the ministry) reconsideration decision dated May 29, 2014 determined the appellant did not qualify for a crisis supplement for shelter costs because the information provided did not establish that under section 57(1) of the EAPWDR:

- The supplement was needed to meet an unexpected expense or obtain an item unexpectedly needed
And
- The appellant had no resources available to obtain the item on his own
And
- Failure to provide the item would result in imminent danger to his physical health.

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons with Disabilities Act section 5,
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57.

PART E – SUMMARY OF FACTS

With the consent of both parties, the hearing was conducted as a written hearing pursuant to section 22(3)(b) of the Employment and Assistance Act.

The following evidence was before the ministry at the time of reconsideration:

- The appellant requested a crisis supplement for May 2014 rent, stating that his wallet and \$760.00 were stolen while he was visiting in another town on April 23, 2014.
- The appellant wrote that he received \$1,696.98 from the ministry as his May 2014 disability allowance, and this included his 2014 travel allowance. All that was remaining of this amount was the \$760.00, which was stolen.
- The appellant's rent is \$375.00 monthly, and his landlord is his mother.
- On May 2, 2014, a 10 day notice to end tenancy for unpaid rent or utilities was signed with the anticipated eviction date of May 12, 2014; the ministry's date stamp regarding receipt of this document is not readable.
- When contacted on May 20, 2014 by the ministry, the appellant did not indicate he had been evicted.

In his Notice of Appeal the appellant wrote that:

- He attended the ministry office in the town he was visiting on two occasions and provided the RCMP case file information to the ministry. Both times he was told by the ministry that the computers were down and that the RCMP information would be obtained later.

In his Notice of Appeal the appellant provided the name of the RCMP officer he spoke to following the April 23, 2014 theft of his wallet and \$760.00 as well as the RCMP file number.

The panel has determined that the additional evidence provided by the appellant in his Notice of Appeal concerning the name of the investigating RCMP officer and his RCMP file number is admissible under s.22(4) of the EAA as it is in support of the evidence before the ministry at reconsideration.

PART F – REASONS FOR PANEL DECISION

The issue under appeal is whether the ministry's decision to deny the appellant's request for a crisis supplement to pay his rent was reasonably supported by the evidence. The ministry determined that the appellant did not qualify for a crisis supplement for shelter costs because the information provided did not establish that, as required under section 57(1) of the EAPWDR:

- The supplement was needed to meet an unexpected expense or obtain an item unexpectedly needed
And
- The appellant had no resources available to obtain the item on his own
And
- Failure to provide the item would result in imminent danger his physical health.

The following section of the EAR applies to this appeal:

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, ...

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made....

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:...

(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; ...

(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.

Unexpected expense or obtain an item unexpectedly needed:

The appellant argues that he needs money for shelter costs because his wallet was stolen with the \$760 he had left from his disability assistance. He had no money left to pay his rent and therefore money for his rent is an unexpected need. He stated that he went to the ministry's office on two occasions, and provided the necessary RCMP contact information and case file number. On both days the computers were down and the report to the RCMP regarding the theft of his wallet and \$760.00 was not confirmed by the ministry although he believes it should have been.

The ministry argues in their May 29, 2014 reconsideration decision, that there was no evidence of a police report or file of the incident to confirm the events as described by the appellant. Accordingly, the ministry was unable to establish if the request for a crisis supplement for rent was due to an unexpected event; shelter costs are not considered an item that is unexpectedly needed.

The panel finds that the appellant lost his last \$760.00 and tried to provide the requested RCMP information relating to the theft to the ministry. Also, the additional information provided with his Notice of Appeal provides evidence that he contacted the RCMP about the theft. The panel further finds that the loss of the appellant's money resulted in him facing an unexpected need for money for his rent and therefore, the ministry's decision on this criteria was not reasonably supported by the evidence.

No resources available to obtain the item:

The appellant provides no information on this criteria.

The ministry argues that there is no indication that the appellant explored other resources available and that the ministry is intended to be the last resort for assistance after the appellant has exhausted all other resources.

The panel finds that there is no evidence of efforts made by the appellant to access other resources, and therefore finds the ministry's decision on this criteria was reasonably supported by the evidence.

Imminent danger to health:

The appellant provides no information on this criteria.

The ministry notes that there may be circumstances where failure to secure shelter may result in imminent danger to the appellant's health. However, the ministry found that there

was insufficient information concerning the appellant's specific circumstances to determine if the appellant faced imminent danger if he did not receive the requested shelter supplement.

The panel finds that there is no evidence concerning imminent danger to the appellant's physical health if he does not get a crisis supplement for shelter. Therefore, the ministry's decision on this criteria is reasonably supported by the evidence.

Conclusion:

The panel finds that the ministry's decision to deny the appellant a crisis supplement to pay May 2014 shelter costs because he did not meet all of the criteria under section 57(1) of the EAPWDR was reasonably supported by the evidence. The panel confirms the ministry's decision.