

PART C – Decision under Appeal

The decision being appealed is the Ministry of Social Development and Social Innovation (the "Ministry") August 13, 2014 reconsideration decision in which the Ministry determined that the Appellant, who receives disability benefits for support and shelter, was not eligible for a crisis supplement to pay for home repairs because she did not meet all of the requirements in section 57 of the Employment and Assistance for Persons with Disabilities Regulation, and specifically the Ministry determined that:

- The home repairs were not an unexpected expense, and
- Failure to meet the expense would not result in imminent danger to the Appellant's physical health.

The Ministry also determined that, as provided for under section 57(4) and Schedule A section 4 of that regulation, the Appellant is not eligible for additional shelter costs for home repairs because she is receiving the maximum shelter allowance.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation "EAPWDR") Section 57 and Schedule A Sections 4 and 5.

PART E – Summary of Facts

The Appellant did not appear at the hearing. The Panel confirmed that she was provided with notice of the hearing and then proceeded with the hearing in accordance with section 86(b) of the Employment and Assistance Regulation.

For its reconsideration decision, the Ministry had the following evidence:

1. Information from its records that the Appellant:

- Is a single person with no dependants receiving Person with Disabilities benefits for support and shelter totaling \$906.42 a month, including a \$375 monthly shelter allowance for 1 person.
- On April 10, 2014 asked for a crisis supplement to replace her hot water tank and a sink in a residence that she owns.
- Provided a quote dated March 4, 2014 for \$2,200.30 to remove and replace a failed hot water heater and replace an existing sink with a stainless sink.

2. Appellant's request for reconsideration in which she stated that

- She has more problems with her residence – the roof is leaking because vents have to be replaced; her door handle is broken and she can't close her door properly.
- She was providing a new estimate for everything – much, much lower and more to be done.

3. Quote dated May 17, 2014 for replacing vent lids, vent lids, entry door lock replacement and supplies for \$347.16.

4. Quote dated May 17, 2014 for removal and replacing a sink with a stainless sink, supplies, a stainless sink and deck faucet for \$1,056.62.

Because the Appellant did not appear at the hearing, the Panel will consider the statements in her notice of appeal as her position in this appeal. On August 26, 2014, the Appellant wrote that she did not believe that the Ministry adequately considered the imminent danger to her physical health by not having running, hot water.

At the hearing, the Ministry reaffirmed its reconsideration decision.

The Panel makes the following findings of fact:

1. The Appellant receives disability benefits for support and shelter including \$375 monthly as her shelter allowance.
2. The Appellant owns her home.
3. The Appellant is a single person with no dependents and provided no information about any child in her residence.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that the Appellant, who receives disability benefits, was not eligible for a crisis supplement to pay for home repairs because she did not meet all of the requirements in section 57 of the EAPWDR, and specifically whether the Ministry reasonably determined that the home repairs were not an unexpected expense and failure to meet the expense would not result in imminent danger to the Appellant's physical health. The issue also is whether the Ministry reasonably determined that, as provided for under section 57(4) and Schedule A section 4 of that regulation, the Appellant is not eligible for additional shelter costs for home repairs because she is receiving the maximum shelter allowance.

The following legislation applies to the Appellant's circumstances in this appeal.

EAPWDR

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.

(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.

Schedule A

4(2) The monthly shelter allowance for a family unit to which section 14.2 of the Act does not apply is the smaller of

(a) the family unit's actual shelter costs, and

(b) the maximum set out in the following table for the applicable family size:

Family Unit Size

1

Maximum Shelter Allowance

\$ 375

5(2) When calculating the actual monthly shelter costs of a family unit, only the following items are included:

(a) rent for the family unit's place of residence;

(b) mortgage payments on the family unit's place of residence, if owned by a person in the family unit;

(c) a house insurance premium for the family unit's place of residence if owned by a person in the family unit;

(d) property taxes for the family unit's place of residence if owned by a person in the family unit;

(e) utility costs;

(f) the actual cost of maintenance and repairs for the family unit's place of residence if owned by a person in the family unit and if these costs have received the minister's prior approval.

The Parties' Positions

The Appellant's position is that she needs the crisis supplement to pay for necessary repairs to her residence, the repairs were unexpected, and she does not have the resources to pay for them. She

also stated that without hot running water she faces imminent danger to her physical health.

In its reconsideration decision, the Ministry considered section 57 of the EAPWDR as it applied to the Appellant's circumstances and determined that the Appellant did not meet all of the criteria for a crisis supplement. The Ministry also noted that it may approve home repairs as part of the monthly shelter costs defined in section 5(2) of Schedule A of the EAPWDR; however, because the Appellant receives the full \$375 monthly shelter allowance for 1 person, the Ministry determined that she is not eligible for shelter costs above that amount.

The Panel's Decision

Under section 57(1) of the EAPWDR, the Ministry may provide a crisis supplement to a person who is eligible for disability assistance, such as the Appellant, if all of the applicable requirements in that regulation are satisfied. In this case, the Ministry acknowledged that the Appellant met one of the requirements; that is, she did not have the resources available to pay the home repair expenses.

As for the second requirement, that the supplement is needed to meet an unexpected expense or obtain an item unexpectedly needed, the Panel notes that the first repair estimate for replacing the hot water heater and sink is dated March 4, 2014, but the Ministry did not receive the Appellant's request until April 10, 2014. The two additional estimates for different repairs are dated May 17, 2014. There is nothing in any of these estimates to indicate that the repairs are emergency repairs and the Appellant provided no information indicating these were unexpected repairs. Therefore, the Panel finds that the Ministry reasonably determined that the Appellant did not satisfy this requirement.

With respect to the third requirement for a crisis supplement set out in section 57(1)(b) of the EAPWDR, the Panel finds that, other than her statement that there was danger to her health without running hot water, the Appellant provided no evidence that the failure to make the repairs would result in imminent danger to her physical health. Therefore, the Ministry reasonably determined that the Appellant also did not satisfy this requirement.

Regarding additional shelter costs, under section 5(2) of Schedule A of the EAPWDR the definition of shelter costs includes the actual cost of maintenance and repairs for the home the Appellant owns. However, section 57(4) and Schedule A section 4 of the EAPWDR limit the amount of shelter cost allowance that the Appellant is eligible for to the smaller of her actual shelter costs and the maximum set out in that Schedule. The Panel finds that the Appellant is receiving the maximum amount of \$375 for shelter costs. Therefore, the Ministry reasonably determined that the Appellant was not eligible for additional shelter costs for home repairs.

Having considered all of the evidence, the Panel finds that the Ministry's reconsideration decision was reasonably supported by the evidence and was a reasonable application of the applicable legislation in the Appellant's circumstances. Therefore, the Panel confirms the reconsideration decision.