

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the Ministry) reconsideration decision dated September 16, 2014 which denied the appellant's request for a crisis supplement to cover the cost of plumbing repairs. The Ministry held that all of the requirements of Section 57 of the *Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR) were not met as the Ministry found that:

- the cost of plumbing repairs exceeds the cumulative amount of crisis supplement that may be provided to the appellant's family unit in a year.

PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation (EAPWDR), Section 57

PART E – Summary of Facts

The evidence before the ministry at the time of the reconsideration decision included:

- 1) Quote from SP plumbing company dated April 19, 2014 separated into two parts, firstly for re-piping mobile home with all new pipe and fittings at a total cost of \$5,028.10 and secondly to remove all/ some paneling underneath home to find leak and, once the leak is found, they can give a price to fix the problem, at a cost of \$453.82;
- 2) Quote from MP plumbing company dated April 28, 2014 for repair of issue of water in the ducts at a cost of \$600 plus tax;
- 3) Quote from MP plumbing company dated July 30, 2014 for re-piping as per a previous phone discussion at a cost of \$3,000;
- 4) Quote dated August 1, 2014 from SP plumbing company to supply and install and re-pipe modular home with all new cold and hot water lines running to basin, toilets, shower and tub, kitchen sink, etc. for a total of \$5,028.10; and,
- 5) Request for Reconsideration dated September 1, 2014 with attached letter from the appellant and a monthly budget.

In her Request for Reconsideration, the appellant wrote that:

- She showed common sense when it came to dealing with her plumbing issues. When she originally requested assistance, she discussed with the ministry the possibility of replacing the pipes as she recognized that fixing a single leak was only a 'band-aid' and not a fix.
- Two plumbing companies recommended replacing the pipes by running them beneath the trailer and bypassing the old pipes, since they would inevitably continue to spring leaks.
- If she could afford it, she would opt to replace rather than fix one leak at a time since it would be cheaper in the long run and would result in less damage to walls, cupboards, floors, etc.
- In April/May 2014 she was seeking help from the ministry, the ministry's computer system went down and, after two weeks of not being able to proceed, the ministry provided \$500 to get the one immediate problem fixed.
- At no time was she told that this would be her only opportunity to repair the real problem. If she had known that accepting the quick fix would jeopardize any future assistance, she would have waited until the computer problem was resolved.
- She is once again mopping up water. The cabinet bases have been wicking up water and are now swollen and stinky and the floor is also warped and stinky.
- As the weather cools, the environment will be perfect for mold to form, if it has not already, and may be a major health issue.
- The plumbing company does not offer a payment plan.
- She included her basic monthly budget for essential living expenses to show that there is no money left to put away for future repairs of any kind.
- She works 12 hours a week, although extremely painful for her, in order to pay for other somewhat essential living expenses such as medical expenses, clothing, insurance, etc.
- If replacing the pipes is not an option, she requests assistance with repairing the current leak.

In her Notice of Appeal dated September 23, 2014, the appellant expressed her disagreement with the ministry's reconsideration decision and wrote that:

- The ministry's decision to do nothing about leaky plumbing does not make sense to her.
- She has met all of the criteria yet the ministry still denied assistance.

At the hearing, the appellant stated that:

- She has met all the criteria for the supplement but the ministry doubts her ability to pay the difference so they will not do anything. The options for covering the balance of the expense were never discussed with her.
- She was aware that there is a maximum annual limit for crisis supplements as she visited the ministry website.
- She still has credit which would be available for an emergency such as this. If she had to pay \$1,200 she figured she could pay this back at the rate of \$20 per month and would have it paid off in about 5 years and this seemed reasonable to her. However, to put the full repair bill of \$3,000 on credit would take her well over 7 years to pay back and this does not seem reasonable. She would be paying it off “for the rest of her life.”
- She cannot finance the repairs through a mortgage on her mobile home since the owner of the mobile park will not sign off with the bank.
- She has managed her credit well over the years and estimates that she has \$20,000 in credit.
- She has credit cards since she used to run a business before she was deemed disabled and she pays for everything with them so she can earn points to purchase goods and services. She pays her credit card bills off each month so she maintains her good credit.
- She was given \$500 by the ministry for an immediate fix only because the ministry computer system was down for 2 weeks. She was not told that accepting this amount would jeopardize her claim for further amounts.
- She has survived this long in her current residence because she has been good with her finances. She got a grant to repair the roof but now she is “really up against the wall.”
- She looked to other community resources for help but the seniors’ centre only helps those aged 60 or over and the charitable organization did not meet over the summer months.
- She does not have any more estimates for immediate repair of leaks. The plumbing companies will not do anymore free estimates for her. She already had to pay \$70 to have one of the estimates done.
- She realizes that she needs to have the repair work done as it is only going to get worse.
- The existing copper piping is very old and has little pin-holes in it so that when the water pressure increases, the water leaks out. The kitchen cupboards are made of particle board and they are wicking up the water, have become swollen, and will no longer open or close properly. The work proposed by both plumbing companies is to by-pass the old pipes and put new pipes underneath her mobile home and run them up through holes in the floor.

The ministry relied on its reconsideration decision as summarized at the hearing. At the hearing, the ministry added that:

- The ministry does not often pay an amount for partial repairs with the client paying the balance but, when it does, the ministry will pay the supply company directly. The problem is that if the client does not pay the balance, the work will not ultimately get done.
- The maximum amount available for crisis supplements is for each calendar year, but each request is considered separately as a new request and must meet all the criteria in Section 57 of the EAPWDR.
- The calculation under Section 57(6) of the EAPWDR is determined by the maximum amount of disability assistance payable for the family unit as shelter and support under Schedule A of the EAPWDR for the month, or \$906.42, times two, which results in the yearly limit of \$1,812.84.
- This maximum total applies even though in the appellant’s situation she is only receiving a “top up” from the ministry of \$22.36, which is above the monthly CPP benefits received.

PART F – Reasons for Panel Decision

The issue on the appeal is whether the Ministry's decision which denied the appellant's request for a crisis supplement to cover the cost of plumbing repairs, on the grounds that the requirements of Section 57 of the *Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR) were not met, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

Section 57 of the EAPWDR sets out the eligibility requirements which are at issue on this appeal for providing the crisis supplement, as follows:

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.

Ministry's position

The Ministry's position is that the provisions of Section 57 of the EAPWDR allow for the Ministry to provide a crisis supplement when all of the legislative criteria are met, including that the cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount which is two times the maximum amount of disability assistance that may be provided for the month for the family unit. The ministry argued, according to this calculation, the appellant's maximum annual crisis supplements cannot exceed \$1,812.84 and, since she received a crisis supplement in April 2014 of \$500, her current maximum eligibility is \$1,312.84. The ministry pointed out that the lowest quote provided by the appellant to repair the plumbing is for \$3,000 which exceeds the maximum threshold under Section 57.

Appellant's position

The appellant's position is that she showed common sense in dealing with her plumbing issues and requesting repair through replacement of the pipes since fixing a single leak is only a 'band-aid' solution that will result in further leaks and more extensive damage to her kitchen cupboards and floor. The appellant argued that her monthly budget shows she does not have the funds to pay for the plumbing repairs but she does have good credit and could make small monthly payments if the total amount for which she was responsible could be paid back in a reasonable period, such as 5 years. In her Request for Reconsideration, the appellant wrote that if replacing the pipes is not an option, she requests assistance with repairing the current leak.

Panel decision

Section 57(5) of the EAPWDR sets out that 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). The appellant did not dispute that she received a crisis supplement of \$500 in April 2014 and that her current maximum eligibility for crisis supplements for 2014 is \$1,312.84. Although the appellant wrote in her Request for Reconsideration, that if replacing the pipes is not an option, she requests assistance with repairing the current leak, she stated at the hearing that she does not have any further estimates for repairing immediate leaks. The panel finds that the lowest quote for the more extensive plumbing repairs as requested by the appellant is \$3,000, and that the ministry reasonably determined that this amount exceeds the appellant's current maximum eligibility for crisis supplements of \$1,312.84. Therefore, the panel finds that the ministry reasonably concluded that the appellant is not eligible for a crisis supplement for the cost of the requested plumbing repairs as the amount of \$3,000 exceeds the mandatory limit as set out in Section 57(5) and (6) of the EAPWDR.

Conclusion

The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement for the cost of plumbing repairs because the requirements of Section 57 of the EAPWDR were not met, was reasonably supported by the evidence and the panel confirms the ministry's decision.