

PART C – Decision under Appeal

The appellant appeals the reconsideration decision of the Ministry of Social Development and Social Innovation (ministry) dated September 15, 2014, in which the ministry denied his request for a crisis supplement for household items on the basis that the appellant did not meet all the required criteria set out in section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR). The ministry determined that the appellant met the requirements that the need for the item is unexpected or there is an unexpected expense and that there are no alternate resources available to him (the requirements of subs. 57(1)(a) of the EAPWDR). However, the ministry determined that the appellant had not established that failure to obtain the requested items or meet the requested expense would result in imminent danger to the appellant's physical health (as required by subs. 57(1)(b)(i)).

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57(1).

PART E – Summary of Facts

The appellant has been designated a person with disabilities and receives monthly disability assistance. The appellant receives service from the ministry through a third-party administrator. The appellant has been homeless for several years and recently moved into a unit in a non-profit society's new building.

The information before the ministry at reconsideration included the following documents:

- A copy of the appellant's ministry shelter information form signed by the appellant on May 20, 2014, indicating the start date of his tenancy in the new housing will be June 1, 2014;
- A copy of a ministry release of personal information form, noting that the appellant's file is administered through a third-party. This form is not signed by the appellant.
- A copy of a ministry cheque dated May 22, 2014 for \$187.50 issued to the non-profit society with the ministry's memo line indicating it is for the appellant's security deposit;
- A copy of a ministry cheque dated May 27, 2014 for \$125.00 issued to the appellant with the ministry's memo line indicating it is for "home start up (TPA client)";
- An illegible copy of a petty cash voucher;
- Another copy of the receipt of the ministry cheque dated May 27, 2014 for \$125.00, together with a copy of the receipt of a ministry cheque dated June 24, 2014 for \$50.00 with the ministry's memo line indicating it is "C/S for bedding";
- A copy of a tenancy agreement between the appellant and the non-profit society (2 pages) with the appellant's note "signed agreement and I moved in on May 27/14 [address of appellant's unit]";
- A handwritten note signed by the appellant dated May 31, 2014 on which it states, "[The third party administrator] should have accompanied [the appellant] throughout the signing of all documents required for moving in to [the non-profit] housing site. [The appellant] would like to put an amendment to this agreement to place agreement on hold until meeting with his representatives on Thursday June 5th,";
- A copy of the appellant's assistance cheque dated July 24, 2013;
- Copies of 8 pages of the ministry's computer screens from August 11, 2014 showing the appellant's cheque history for the benefit months August 2013, April 2014, May 2014, June 2014, July 2014, and August 2014; and
- The appellant's submissions with his request for reconsideration dated August 28, 2014.

The appellant told the panel that he was advised by his representatives (a police liaison officer and a ministry worker) to request a "home start up" from the ministry through his third-party administrator. He said in early June 2014, he provided a list of items he needs to furnish his new apartment to the third-party administrator. He told the panel that he did not apply for a crisis supplement – he applied for a "home start up" allowance as he was instructed to do by his representatives. The appellant said when he moved into his new unit, the ministry's cheque for \$125 for "home start up" was waiting for him. The items on the appellant's list of furnishings are a sofa, TV, computer, software, telephone, toaster, blender, electric can opener, bedding and towels. On June 24, 2014, the ministry issued the appellant a crisis supplement of \$50 for bedding and towels as noted on the ministry cheque receipt. The ministry denied his request for funds to purchase the other items on his list. The appellant said he had also received \$50 from the ministry to purchase clothing.

At the hearing, the ministry representative confirmed that the ministry issued a cheque for \$125 to all the individuals moving into this new non-profit housing and that the ministry issued the cheques shortly before their move in dates. The ministry representative confirmed that in the ministry's records, this \$125.00 payment shows as a crisis supplement, although the memo line on the cheque receipt indicates it is for "home start up" and does not include the note "C/S" for crisis supplement.

PART F – Reasons for Panel Decision

The issue on this appeal is whether the ministry's decision to deny the appellant's request for a crisis supplement for household items on the basis that he did not meet the criteria set out in section 57(1) of the EAPWDR is reasonable.

The criteria to be applied by the ministry on a request for a crisis supplement are set out in section 57(1) of the EAPWDR as follows, emphasized by the panel:

- (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 ...

The appellant's position is that he did not apply for a crisis supplement, but that he was told to apply for a "home start up" package and that the ministry is wrong in characterizing the \$125.00 payment he received when he moved into his new unit as a crisis supplement. The appellant does not understand how the ministry can issue him a \$50 crisis supplement for bedding and towels, but deny his request for funds to purchase the other items on his list. The appellant did not make any submissions that failure to obtain money to purchase the remaining items on his list would result in imminent danger to his physical health, as required by subs. 57(1)(b)(i), but argued that the \$125 and \$50 crisis supplements he received did not meet this criteria either.

The ministry representative explained that the ministry does not issue "home start up" funds as a separate item. The ministry representative explained that it issued all persons moving into the new non-profit housing \$125.00 to purchase household items, but that in the ministry's system, this payment is listed as a crisis supplement, although it may not indicate that on the cheque receipt memo line. The ministry representative explained that the ministry considers bedding and towels to be necessary items for a person's health and that it issued the appellant a crisis supplement for \$50 to cover the bedding and towels he requested in June 2014. The ministry says that the appellant's request for the other household items on his list does not meet the legislative criteria under subs. 57(1) for a crisis supplement as the minister was not satisfied that failure to obtain the items will result in imminent danger to the appellant's physical health, as required by subs. 57(1)(b)(i).

In order to receive a crisis supplement under section 57 of the EAPWDR, an applicant must meet all three of the criteria set out in subs. 57(1) – if the applicant does not meet one of the three criteria, the crisis supplement will not be provided. The panel notes that the appellant did not argue that failure to provide the household items on his list would result in imminent danger to his physical health to demonstrate that he met the requirement set out in subs. 57(1)(b)(i).

The panel finds that the ministry's determination that the appellant did not meet the requirement of subs. 57(1)(b)(i) was reasonable, as there was no evidence from the appellant before the ministry that failure to provide the requested crisis supplement for household items would result in imminent danger to his physical health. The panel finds that the ministry reasonably applied subs. 57(1) to the appellant in his circumstances. The panel therefore confirms the ministry's reconsideration decision.