

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry) reconsideration decision dated September 2, 2014 which held that the Appellant was not eligible for a crisis supplement to pay his rent because he did not meet all of the legislated criteria set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) in particular, that it was an unexpected expense. Although the Ministry was satisfied that failure to meet his rent expense and subsequent eviction would result in imminent danger to the Appellant's health, the Ministry held that rent is not an unexpected expense and that the Appellant had the resources to meet this expense.

PART D – Relevant Legislation

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

PART E – Summary of Facts

The documents before the Ministry at reconsideration were as follows:

- The Appellant's Request for Reconsideration dated August 18, 2014;
- 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated July 14, 2014;
- 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated August 5, 2014;
- Two letters from the Appellant dated August 18, 2014 and August 29, 2014;
- Deposit account history for the Appellant for August, 2014;
- Cheques for financial agency dated August 21, 2014.

The Ministry's information indicated:

- The Appellant is a sole recipient with Persons with Disabilities designation.
- Commencing April 2014, when the Appellant received crisis supplement for rent, the Ministry paid \$650 per month directly to the Appellant's landlord;
- In July 2014, the Appellant began receiving Employment Insurance benefits and the Ministry reduced the Appellant's disability accordingly, and as a result, the full amount that was not sent to the Appellant's landlord;
- In July 2014, the Appellant requested a crisis supplement for the outstanding portion of his rent, which was denied;
- In August 2014, the Appellant requested a crisis supplement which was denied and the Appellant requested a reconsideration of this decision.

In the Appellant's written submission included in his Notice of Appeal, he stated that he believed he had not been treated fairly and the information he was given was inaccurate, incomplete or not at all.

At the hearing, the Appellant stated that he had not received proper paperwork, in particular any notice indicating that the Ministry was no longer paying the full amount of his rent and that this lack of information meant that he didn't know he was behind on his rent until he got the first 10-day Notice from his landlord on July 14, 2014.

The Appellant's advocate indicated that without this information, the Appellant was not able to budget properly. Given his medical condition and need for several medications, he needed to know how much money he had coming in.

At the hearing, the Ministry stated that:

- stubs are sent to recipients each month indicating what funds were paid;
- Employment Insurance is classified as 'non-exempt' and therefore deducted from income assistance funds; and
- the Appellant is receiving the same level of income, in part from Employment Insurance and in part from the Ministry.

PART F – Reasons for Panel Decision

The issue on appeal is whether the Ministry's decision to deny the Appellant a crisis supplement because the Ministry was not satisfied that paying monthly rent was an unexpected expense, and that there were no resources available is reasonably supported by the evidence or is a reasonable application of the applicable legislation in the circumstances of the Appellant.

The relevant legislation is section 57 of the 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, 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.

In order to be eligible for a crisis supplement, the Appellant must meet the criteria set out in section 57 of the EAPWDR. The requested item must be required:

1. To meet an unexpected expense, or to obtain an item unexpectedly needed
- AND
2. The Appellant has no resources available to meet the expense or obtain the item

AND

3. Failure to meet the expense or obtain the item will result in imminent danger to his physical health.

An Unexpected Expense

The Appellant states that, since he had not received any 'stubs' from the Ministry or any other form of paperwork that indicated the reduction in the Ministry's payment to his landlord, he was not aware of the shortfall in his rent until he received a notice from his landlord. The Appellant argues that the reduction in assistance was unexpected and therefore meets the first criteria set out in section 57(1) EAPWDR.

The Ministry states that rent is an ongoing, monthly payment that the Appellant must pay for his apartment and is therefore not unexpected. Further, the Ministry states that stubs are sent to recipients of income assistance indicating how much money was sent to the recipient, or in this case, the Appellant's landlord.

The panel acknowledges that the Appellant argues he didn't realize that his assistance was decreased by the amount of his Employment Insurance benefit but because rent is an ongoing monthly expense, the panel finds that the Ministry reasonably determined that the requirement of section 57(1) EAPWDR as an unexpected expense has not been met.

Available Resources

The Appellant states that he has medical expenses to pay, and listed the medications he was taking in the August 18, 2014 letter. He did not provide a doctor's letter or any other evidence of his conditions and required medications. He did not indicate whether he had or had explored other resources to pay the shortfall in his rent nor did he provide any financial information that would indicate that he did not have the resources himself.

The Ministry states that the amount of income the Appellant receives has not changed, only the sources of income and that the Appellant had been able to meet his expenses, including rent in the past.

The panel finds that the Appellant receives the same level of income as he had in the past and therefore the Ministry reasonably determined that he had the resources to pay his rent in full from the income he receives.

Imminent Danger

The Ministry acknowledges that the Appellant meets the third criteria, that failure to meet the expense will result in imminent danger to the physical health of the Appellant.

The panel finds the Ministry's determination that the Appellant was not eligible for a crisis supplement for rent was reasonably supported by the evidence as the panel finds that:

- the Appellant's rent is an ongoing monthly expense and since the Appellant continues to live at his apartment, it is not unexpected that he must pay rent; and
- since the Appellant's income has not been reduced, although the sources have changed, he has the same resources available to him as he did prior to the reduction in income assistance available to pay his monthly rent.

The panel finds the ministry's reconsideration decision was reasonably supported by the evidence and confirms the decision.