

### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated December 11, 2014 in which the ministry denied the appellant a crisis supplement for shelter because the request did not meet the criteria in the Employment and Assistance for Persons With Disabilities Regulation Section 57. The legislation requires that the need for a crisis supplement be unexpected, that the person not have the resources available, and that failure to provide the supplement would result in imminent danger to his or his family members' physical health or the removal of a child under the Child, Family and Community Services Act. The ministry found that failure to provide the funds would not result in imminent danger to the appellant's physical health.

### PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Act (EAPWDA) Section 5  
Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) Section 57

## PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- A Shelter information form completed by the appellant dated October 20, 2014. The form details the new address where the appellant will be moving to and the start date of tenancy is to be November 1, 2014. He will be paying \$325.00 per month rent including utilities.
- A letter from the appellant's landlord dated November 10, 2014 that reads the appellant moved into his building on October 31, 2014 and still owes him November's rent of \$325.00.
- A letter addressed to the ministry from the appellant dated December 4, 2014. The letter reads that he notified the ministry on October 20, 2014 that he would be moving and he dropped off his Shelter Information form to the office the following day and he was told he had missed the deadline to change his landlord for November. He adds that he suffers from depression, anxiety and schizophrenia and that if he does not receive this crisis supplement he will be in imminent danger because he will be evicted and be homeless.

The appellant was not in attendance at the hearing. After confirming he had been notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

At the hearing the ministry told the panel that the appellant met part of the criteria for the crisis supplement but not all. The ministry stated that although the appellant submitted his Shelter Information form 10 days prior to moving, it was apparent that the appellant was not aware of the cut-off dates for a recipient to change their landlord. The ministry therefore conceded that the appellant's need for the additional rent met the statutory definition of being an unexpected expense. The ministry conceded that the appellant does not have the resources to meet the expense on his own. The ministry told the panel that the rent expense does not meet the final criteria of putting him in imminent danger if he fails to meet the expense because the ministry has no evidence that he will be evicted. The ministry continued that the appellant's landlord has allowed him to remain in the home despite not receiving the rent for November and has not threatened him with eviction if he fails to pay November's rent.

The ministry told the panel that the appellant's November rent was paid to his old landlord and that the appellant can file a complaint with the Residential Tenancy Office if he feels he is entitled to have his November rent returned. The ministry does not get involved with landlord tenant disputes. If he were successful in having his November rent returned to him, the funds would be his to keep. The ministry added that if, at any time in the future, he receives an eviction notice he can reapply for a crisis supplement and the application would be considered.

## PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry's decision that the appellant does not qualify for a crisis supplement for shelter because his need does not meet the criteria set out in the EAPWDA Section 57. The ministry determined the need for the \$325 in rent was unexpected, and that the appellant does not have the financial resources to pay it. The ministry determined that, because his landlord has not issued him and eviction notice, failure to meet the expense will not result in imminent danger to the physical health of his family nor will it result in the removal a child under the Child, Family, and Community Act.

The relevant legislation is as follows:

### Employment and Assistance for Persons With Disabilities Act (EAPWDA) Section 5

#### **Disability assistance and supplements**

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

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

#### **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.  
[am. B.C. Reg. 13/2003.]

It is the ministry's position that the appellant's request for a crisis supplement does not meet the criteria as set out in EAPWDR Section 57. The ministry argues that failure to meet the expense will not result in imminent danger to the physical health of his family nor will it result in the removal a child under the Child, Family, and Community Act.

It is the position of the appellant that the November rent expense was unexpected, he has no resources to cover the expense, and if he doesn't pay his landlord the money he will be evicted and be homeless.

As the ministry accepted that the appellant's request meets the statutory requirements that the need be unexpected and that the appellant does not have the resources to meet the expense. The panel will make a determination only on the reasonableness of the ministry's decision that the appellant's request does not meet the final criteria listed above.

Regarding the ministry's determination that the appellant does not face imminent danger to his health or the prospect of the removal of his children under the Child, Family, and Community Act if he fails to meet the expense the panel finds the following. The evidence includes a letter from the landlord confirming the rent for November 2014 is outstanding. This letter does not suggest that the appellant is in danger of eviction. The appellant has not provided any evidence that he is in imminent danger of homelessness or other physical danger. There has been no argument made that he is at risk of having a child removal under the Child, Family, and Community Act and the evidence is that the appellant has no dependants. The panel finds the ministry was reasonable to determine that failure to meet the expense will not result in imminent danger to the physical health of his family nor will it result in the removal a child under the Child, Family, and Community Act.

The panel finds that the ministry's decision was a reasonable application of the legislation in the circumstances of the appellant and therefore confirms the ministry's decision.