

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the Ministry) reconsideration decision dated December 30, 2014 in which the Appellant was denied a crisis supplement for shelter, as the Ministry was not satisfied that the Appellant met all of the requirements for a crisis supplement as per Section 57 of the Employment Assistance Persons With Disabilities Regulations (EAPWDR). Specifically, it determined that unpaid rent is an unexpected expense.

PART D – Relevant Legislation

*Employment and Assistance for Persons With Disabilities (EAPWDA) Act: Section 5 and
Employment and Assistance for Persons With Disabilities (EAPWDR): Section 57.*

PART E – Summary of Facts

With the consent of both parties, the hearing was conducted via teleconference.

The evidence before the Ministry at the time of reconsideration consisted of:

1. Information from the Ministry's records that : - the Appellant is eligible for persons with disability assistance in the amount of \$941.42 a month and that the Appellant is also eligible for \$655.23 from CPP, which is deducted from the amount the Ministry provides. That the Appellant stated that she assumed that her rent would be paid by the Ministry directly to the landlord because in the past, the Ministry had paid her utilities directly. The Ministry had discussed with the Appellant that the rent would not be paid directly to the landlord because her income assistance is less than monthly rent.
2. Information from the Ministry's records that the Appellant requested a crisis supplement to help pay her rent. The Appellant was delinquent on her rent as evidenced in a 10 Day Notice to End Tenancy due to failure to pay rent in the amount of \$665.00 on December 1, 2014.
3. The Appellant's Request for Reconsideration dated January 5, 2015, in which she stated that:
 - she is on a fixed disability pension income of \$665.00 per month with no other means of support,
 - that her rent is \$665.00 per month not including utilities and
 - that she cannot afford to live on her disability pension alone.
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In the Notice of Appeal dated January 16, 2015, the Appellant states that due to cognitive issues, she believed that her rent was being paid to the landlord directly by the Ministry. When she received her CPP cheque, she believed that this was "extra" money which she then spent on food and a few gifts.

At the hearing, the witness for the Appellant stated that:

- He met the Appellant in October 2014, when he purchased some household items from her.
- He helped the Appellant move, bought her groceries and paid her November 2014 rent for her, as she had no money,
- He and his wife have been bringing the Appellant some food when they are able,
- He strongly believes that the Appellant has no conception of how welfare works, is unable to grasp the concept of budgeting her money and truly believed that her rent was being paid directly by the Ministry to the landlord,
- The Appellant is not able to get food from the local food bank, as they only serve families, and
- That the Appellant does not have much education.

The Appellant's witness/representative stated that:

- She is somewhat unfamiliar with the Appellant's background and issues, having only met her recently,
- That she believes the Appellant to have major cognitive issues, and
- That the Appellant is confused, distraught and overwhelmed by the denial of her claim for a crisis supplement.

The testimony from the Appellant who stated that:

- She understands that her money comes from some kind of government,

- She does not know how her rent gets paid, and
- She is scared that she is going to have to move and that she is in trouble.

Pursuant to Section 22(4) of the Employment and Assistance Act, the Panel admits the information from the Appellant and her two witnesses submitted at the hearing because the information is consistent with and therefore in support of the evidence that the Ministry had at the time of reconsideration.

The Ministry representative stated that:

- the Appellant appeared to have cognitive issues and did not appear to understand what her sources of income were or how her rent got paid.

The Ministry relied on the Reconsideration Decision and submitted no new information.

The Panel makes the following findings of fact which are not in dispute:

1. The Appellant is eligible for persons with disability assistance in the amount of \$941.42 per month, as well as being eligible for \$655.23 per month from CPP, which is deducted from the amount that the Ministry pays the Appellant.
2. The Appellant had rented an apartment for which the rent of \$665.00 was due and was served with a 10 Day Notice to End Tenancy for Unpaid Rent dated December 14, 2014.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that the Appellant's monthly rental payment is an expected expense and therefore the Appellant did not meet all of the requirements for a crisis supplement under Section 57 of the EAPDWR.

The relevant section of the EAPWD Act is as follows:

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.

The relevant section of the EAPWD Regulations is as follows:

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, and

(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.

(BC Reg. 13/2003)

The Ministry's position is that the Appellant does not have the resources available to cover the cost of her unpaid rent as her entire CPP income is equal to her rent, plus \$286.19 from the Ministry, which is not enough to cover the unpaid cost. In addition, the Ministry is satisfied that failure to receive a crisis supplement for shelter may result in imminent danger to the Appellant's physical health as she has received notice to vacate her residence by December 31, 2014. However, the Ministry is not satisfied that rent is an unexpected expense, given that when the Appellant moved into her current dwelling, she did so knowing the rent was \$665.00/month. The ministry also discussed that the rent cannot be directly paid as the amount the Appellant receives from the Ministry is less than her rent. Therefore, the Ministry determined that the Appellant's request for a crisis supplement for rental of shelter was not an unexpected expense.

The Appellant's position is that due to cognitive reasons, she does not clearly understand where her money comes from, nor how her rent gets paid. The Appellant assumed that her rent would be paid by the Ministry directly to the landlord, as in the past, the Ministry had paid her utilities directly. The Appellant states that she cannot afford to live on the amount money her pensions bring in, given that her rent is \$665.00/month.

The Panel recognizes that the Appellant had difficulties understanding her financial situation. However the Appellant did rent an apartment for which rent was due on a monthly basis; that is a regular expense. The Panel finds that the Ministry reasonably concluded with the evidence at hand that the Appellant's unpaid rent was an expected expense. Therefore, the Appellant did not meet all of the requirements for a crisis supplement as per Section 57 of the EAPWDR.

Therefore, the Panel confirms the Ministry's reconsideration decision, finding that it was a reasonable application of the legislation in the Appellant's circumstances.