

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the Ministry) reconsideration decision dated January 16, 2015 in which the Appellant was denied a crisis supplement for shelter costs, as the Ministry was not satisfied that the Appellant met all of the requirements for a crisis supplement as per Section 59 of the Employment Assistance (EA) Regulations. Specifically, it determined that as the Appellant had not provided proof of a rental receipt lack of resources could not be confirmed and the evidence does not establish that failure to provide the crisis supplement would result in imminent danger to physical health.

PART D – Relevant Legislation

*Employment and Assistance (EA) Act: Section 4,
Employment and Assistance (EA) Regulation: Section 59
Schedule A – section 4 and 5*

PART E – Summary of Facts

The Appellant did not attend the hearing. As per section 86 of the EA Regulation, a Panel may hear an appeal in the absence of a party if the party was notified of the hearing. After the Panel verified that the Appellant was notified of the hearing via Canada Post on February 4, 2015, the hearing proceeded without the Appellant.

The evidence before the Ministry at the time of reconsideration was as follows:

1. Information from the Ministry's records indicating that the Appellant is a sole recipient of income assistance with no dependants.
2. Shelter Information dated December 30, 2014 indicating that the appellant's room and board is \$600 per month not including utilities.
3. Information from the Ministry's records stating that the Appellant had been provided with shelter assistance in the amount of \$375.00 for January and he had not submitted an eviction notice or rental receipts to prove he had paid January's rent in advance. It cannot be determined that the payment of his monthly rent was an unexpected expense for the Appellant. There is no evidence that the Appellant has contacted the Residential Tenancy Branch to resolve these issues, so it had not been determined that there are no resources available to the Appellant.
4. Information from the Ministry dated January 16, 2015, stating that the Appellant had moved into a room and board residence that he had lived in prior to the residence he was evicted from, therefore there was no imminent danger to his physical health.
5. The Appellant's Request for Reconsideration (RFR) dated January 13, 2015 in which the Appellant notes exhaustive efforts to retain the funds issued for the month of January to be returned with no avail and attempts to reach his former landlord without success and that she has ceased all communications with him. He states that he believes that if the landlord could be reached, the January portion would be returned, but that's been proven to be impossible, so he has been unable to reach her for an eviction notice either.

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 a sole recipient of income assistance with no dependants who is in receipt of income assistance in the amounts of \$235/month for support and \$375/month for shelter.

PART F – Reasons for Panel Decision

The issues in this appeal are whether the Ministry reasonably determined that the Appellant did not meet all of the requirements for a crisis supplement under Section 59 of the Employment Assistance (EA) Regulation. The relevant section of the EA Regulations as follows:

Section 59 - 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 it is not satisfied that the Appellant's need to obtain additional shelter assistance for January is supported by evidence. There is no eviction notice, nor is there any rental receipt stating the Appellant pre-paid his rent for January. Neither is there any indication that the Appellant has exhausted potential resources available to him such as contacting the Residential Tenancy Branch to help resolve these issues. The Ministry is satisfied that the Appellant has current room and board residency, therefore there is no imminent danger to his health.

The Appellant's position is that he was evicted without notice on December 24, 2014 and without reimbursement of the rent he prepaid for January. He states he has tried exhaustively to contact the landlord to obtain the rent he pre-paid for January and an eviction notice, to no avail.

The Panel determines that the Appellant has not provided the Ministry with sufficient documentation to support his claim. There is no eviction notice to prove that he was evicted from his residence on December 24, 2014. Nor are there or rental receipts to prove he pre-paid his January rent. The Appellant has not provided information suggesting that he has contacted the Residential Tenancy Branch to obtain assistance with resolving his issues.

The Panel finds that because the Appellant has secured a new room and board residency, it is reasonable to assume that he had the necessary funds to do so and is not in imminent danger. The Panel finds that the Ministry reasonably concluded with the evidence at hand that the Appellant did not meet all of the criteria for a crisis supplement as per Section 59 of the EA Regulations.

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