

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “Ministry”) April 9, 2015 reconsideration decision denying the Appellant’s request for a crisis supplement for his March 2015 rent because the Ministry determined that all of the requirements in section 59(1) of the Employment and Assistance Regulation were not met. Specifically, the Ministry determined that:

- A reduction in the Appellant’s income assistance due to January earnings was not unexpected;
- His rent for March was not an unexpected expense;
- He had resources available to pay the rent; and,
- Failure to assist with funds for March rent would not result in imminent danger to the Appellant’s physical health.

PART D – Relevant Legislation

Employment and Assistance Regulation (“EAR”) Section 59.

PART E – Summary of Facts

With the consent of both parties, the hearing was conducted as a written hearing pursuant to section 22(3)(b) of the *Employment and Assistance Act*.

For its reconsideration decision, the Ministry had the following evidence:

1. Information from its records that the Appellant:

- Receives income assistance as a sole employable recipient with no dependents.
- On February 24, 2015 was advised by the Ministry that he would receive a check for \$120.66 for March after his \$689.34 earnings (with a \$200 exemption) from January were deducted.
- On March 3, 2015, requested a crisis supplement for shelter to pay his March rent.
- Advised that he had been working quite consistently, but work had dried up and he was unable to pay rent because his March assistance check had earnings from January deducted.
- On March 5, 2015, submitted a copy of a 10 Day Notice to End Tenancy for failing to pay \$500 rent and \$64 utilities that were due on March 4, 2015.
- Had received a crisis supplement for January 2015; he was asked what he had done with his January earnings and replied that he had paid other bills.

2. Copy of 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated March 4, 2015 and issued to the Appellant to move out/vacate his home by March 14, 2015.

3. Appellant's request for reconsideration together with a statement dated March 31, 2015. In that statement the Appellant noted that:

- He was told by several Ministry workers that they can only issue a crisis supplement periodically; he had received \$375 for December 2014 rent.
- He was told to save the money he made in January for his March rent; he knew there would be deductions from his assistance check but not how much; he had some money put away to compensate for the deduction.
- \$489.34 was deducted from his assistance and on February 24, 2015 he was told an assistance check for \$49 had been mailed; he was shocked by this amount and that is why he asked for help.
- When a Ministry worker told him that \$500 had been sent to his landlord he used the money he earned to pay some bills, some going back several years; but then he was told the Ministry would not help him any further with his rent and that therefore the March rent was an unexpected expense.
- He has no one he can borrow money from; he presently owes 4 payday loan companies and cannot pay them back; he owes money to all of his relatives and they will not give him anything until he repays his original loans.
- He has maxed out a credit card and pays \$10 a month on that; a bank would not give him a loan because he has no steady income.
- He earns small amounts of income through a temporary labour company, but that is determined on a daily basis and he may get 1 or 2 days a week of work; if he works 5 hours he makes about \$50; \$10 for gas and food come off that.
- He has been striving to find more regular employment but it has been difficult; he wants to be off assistance as soon as possible.
- As for danger to his health, he cited his age and that his health is not so great; he has been diagnosed with osteoarthritis but prefers to work rather than do nothing and whine about his situation.

- If he is forced to become homeless – as in this case – he would definitely be in danger of his health decreasing both psychologically and physically.
- He provided a physician's report about his osteoarthritis when he first applied for assistance.
- He told his landlord to use the April check to cover March rent because he is unable to come up with \$500 for March; the landlord reluctantly agreed, but he does not have enough to cover that check; he has only \$45 and does not know how much he will receive in coming days.
- He received an assistance check for \$4 to live on for the month of April after deductions for what he made working; it hardly seems worthwhile to continue to work, but he needs to continue to work.
- He is hopeful about things getting better and that he will be able to find a full time job soon.
- He is very grateful for the help he's already received, without which he would have been homeless last December.

In his notice of appeal, dated April 23, 2015, the Appellant wrote that he tried to explain his circumstances but felt that the reconsideration officer didn't get it. He is appealing the reconsideration decision because he is still in a vulnerable situation. He wrote that he would like to submit documents from his doctor and an eviction notice for April. The Appellant stated that he would submit these documents and a rewrite of his needs ASAP.

The Appellant submitted a statement dated April 29, 2015, in which he provided the same information about his financial circumstances and his reasons for asking for a crisis supplement as set out in the Ministry's record and in his request for reconsideration (summarized above). The Appellant's additional submissions are summarized as follows:

- It is basically the Ministry's fault that he spent the rent money after he was told by a Ministry worker that the March check had been mailed to his landlord, that the deductions had been made, and that he would receive a check for \$49.
- There was a problem when a work councilor reported to the Ministry that he had a full time job causing confusion and misinformation.
- He knew there would be some deductions from his assistance check but had no idea how much; when he phoned the Ministry he discovered it was only giving about \$120 for March; he immediately realized this was not enough to cover his rent.
- He tried to explain the situation to his landlord who was not sympathetic and immediately gave him an eviction notice; he still had a few days to meet the April 1st rent deadline and to use the \$500 he received for March; the landlord agreed to this.
- The rent situation caused an incredible amount of stress on him; the landlord was phoning every second day asking about the rent and the gas bills (now \$192 behind). He is now faced with eviction for not paying the gas bill, although he believes that the landlord received the \$500 from the Ministry for May rent.
- His health is not so great; he is doing very physical labor jobs for 2 companies and he is not sure how long he can keep it up; he has been diagnosed with osteoarthritis which is not too bad now, but will get worse in the near future.
- Homelessness is a very possible scenario and he might not be able to continue working.
- He is looking for a cheaper place, but it is very difficult to find anything for less than \$500 in the community where he lives.
- He has very little money to live on; if he didn't get the odd day of work from two temporary

employment companies he would be in greater trouble.

- He is asking for \$375 in crisis funding to compensate for March's rent and at least recover some of the losses he has incurred over the past couple of months.

The Appellant's additional arguments are summarized in Section F – Reasons of this decision.

On May 13, 2015, the Tribunal received a note from the Appellant dated May 13, 2015 stating his doctor had been inaccessible until then. The Appellant attached:

- A Medical Imaging Report for an exam dated February 2, 2015 for bone density in two areas.
- An imaging report for the Appellant from an exam dated August 29, 2014 reporting Osteopenia, Mild levorotoscoliosis, Degenerative disc disease, and that bilateral mild sacroilitis cannot be excluded.

For this appeal, the Ministry relied on and reaffirmed its reconsideration decision. It made no comments regarding the Appellant's appeal submissions.

Pursuant to section 22(4) of the *Employment and Assistance Act*, the Panel admits the information in the Appellant's appeal statements and the supporting documents as being consistent with and therefore in support of the evidence the Ministry had at reconsideration.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry's reconsideration decision denying the Appellant's request for a crisis supplement to pay his March 2015 rent was reasonably supported by the evidence or was a reasonable application of the applicable legislation in the Appellant's circumstances.

Applicable Legislation

The following legislation applies to the Appellant's circumstances in this appeal.

Crisis supplement

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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

The Panel will consider the parties' positions under each of the legislative requirements for a crisis supplement.

Unexpected Expense

The Appellant's position is that the amount of \$489.34 that the Ministry deducted from his assistance check for March 2015 was unexpected. He knew that there would be deductions but not that much. The Appellant also argued that it was the Ministry's fault that he spent his rent money because a Ministry worker told him that a check for \$500 had been mailed to his landlord for March 2015 rent.

The Ministry's position is that it is not satisfied that a reduction in the Appellant's assistance check for March 2015 due to earnings in January 2015 was unexpected. The Ministry also is not satisfied that the Appellant's rent for March 2015 was an unexpected expense.

The Panel's Findings

The Appellant acknowledged that he knew that there would be deductions from his assistance check because he worked in January 2015. He also acknowledged that he was advised to save money. Therefore, the Panel finds that the Ministry reasonably determined that a reduction in the amount of income assistance that the Appellant subsequently received was not unexpected. Additionally, the information in the record establishes that the Appellant was renting his home from at least December 2014. Therefore, the Panel finds that the Ministry reasonably determined that rent for the month of March 2015 was not an unexpected expense and therefore the Appellant did not meet this requirement.

Other Available Resources

The Appellant's position is that he had no other resources to pay his March 2015 rent. He argued that because of the information he received from the Ministry worker about a check going to his landlord, he paid other bills. He submitted that he owes thousands in bills which he can't pay back. He has no one he can borrow money from, including his relatives or a bank. The Appellant wrote that

he earns small amounts working, determined on a daily basis and only for 1 or 2 days a week.

The Ministry's position is that it is not satisfied that the Appellant does not have the resources to meet his need because he asked his landlord to apply his April rent money to his March rent. Also, the Ministry noted that the Appellant stated that he had been working 1-2 days a week making \$50 a day.

The Panel's Findings

The Panel notes that the Appellant submitted information about long standing debts to pay day loan companies, relatives, a credit card company and his landlord for a gas bill. He also submitted information about his inability to borrow any money, including from relatives, a bank or other sources. As for work, he may work for only a day or two a week. Based on all the evidence, the Panel finds that the Ministry was not reasonable when it determined that the Appellant did not have resources available to pay this expense.

Imminent Danger to Physical Health

The Appellant submitted that his age and that his health are not so great. If he is forced to become homeless, he would definitely be in danger of his health decreasing both psychologically and physically.

The Ministry submitted that it is not satisfied that failure to assist the Appellant with funds for his March 2015 rent would result in imminent danger to his physical health.

The Panel's Findings

The Appellant submitted information about his age and medical conditions, which were also noted in the medical reports he submitted. However, the Panel finds that there is no evidence, especially no medical evidence, that the failure to provide a supplement to the Appellant for his March 2015 rent would result in imminent danger to his physical health. Therefore, the Ministry reasonably determined that the Appellant did not meet this requirement.

Conclusion

Having considered all of the evidence and the legislation applicable to the Appellant's circumstances, the Panel finds that the Ministry reasonably determined that the Appellant did not meet all of the requirements for a crisis supplement. The Panel, therefore, confirms the Ministry's reconsideration decision.