

### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated March 25, 2015 in which the ministry denied the appellant a crisis supplement for a new bed 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 result in imminent danger to the appellant's physical health and that the appellant has no other alternate resources to obtain the item, however, the ministry found that the appellant's need for the bed was not unexpected.

### PART D – Relevant Legislation

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 written submission from the appellant written with the assistance of an advocate dated March 18, 2015. In the letter the appellant writes:
  - The appellant provided the quotes for the bed to the ministry over the phone as requested on February 19.
  - The appellant called the ministry the following week and was given an approval number and told he could come in and pick up the cheque for his crisis supplement.
  - In a subsequent phone call with the ministry the appellant was told his request had not been approved yet. The appellant told the ministry he had already purchased the bed using his shelter assistance that he needed to pay his rent. The ministry responded that he was ineligible for a crisis supplement at that point because he no longer needed the bed.
  - The ministry told him he could request a crisis supplement for rent if he receives an eviction notice.
  - The appellant considers his need for the bed is unexpected because the unit he rented was unfurnished and he had no means to furnish it.
  - The appellant's lack of a bed poses an imminent danger to his health.
  - The appellant has no resources to pay for the bed.
  - It is unreasonable to expect the appellant to wait for an eviction notice before he can request a crisis supplement.

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 the appellant first contacted the ministry on February 16, 2015 requesting a crisis supplement for a bed because the bed he was using had been reclaimed by the tenant that lived in the home prior to him moving in. The appellant was able to use the bed for 2-3 months but was left without a bed when the bed was taken back. He was told to submit three quotes for a bed, which he did on February 19 and was told to call back the following week. Since the quotes were all in excess of \$250, the appellant's request needed to be decided by a ministry manager and the worker the appellant was speaking to on the phone would not have had the authority to provide an approval. When the appellant called in on February 24, he told the ministry he had already purchased the bed, the ministry told him he would no longer qualify for the crisis supplement because he no longer needs the bed. The ministry also informed him at that time that they confirmed that a non-profit organization would deliver a refurbished mattress to his home for \$115. The number the appellant was given is a ministry service request (SR) number identifying his request and is not an approval number. The ministry does not produce approval numbers, however, he was likely given the SR number so he could refer to it when inquiring about his request with the ministry.

The ministry told the panel that the appellant was aware he was renting his new home unfurnished as stated on the rental agreement and therefore should have known that it was his responsibility to provide a bed. Even though the unit had a bed in it when he moved in, he should have anticipated that the bed would be removed at some point.

## 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 a new bed 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 result in imminent danger to the appellant's physical health and that the appellant has no other alternate resources to obtain the item, however, the ministry found that the appellant's need for the bed was not unexpected.

The relevant legislation is as follows:

### 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.

#### Arguments of The Parties

The appellant argues that although he rented his new home as unfurnished, he was able to use a bed

that was left there until the ex-tenant came back to reclaim it in February and therefore his need for a new bed was unexpected. He argues he thought his crisis supplement was approved and therefore he used his rent money to purchase the new bed. He maintains he would face imminent danger to his health if he cannot get a new bed to sleep on.

The ministry's argument is that the appellant has met two of the three requirements for a crisis supplement. The ministry found that failure to provide the funds would result in imminent danger to the appellant's physical health and that the appellant has no other alternate resources to obtain the item, however, the ministry found that the appellant's need for the bed was not unexpected because the home he rented was specified as unfurnished and therefore he should have anticipated the need for a bed.

#### Panel Decision and Reasons

The ministry accepted that the appellant's request for crisis supplement meets the statutory requirements that failure to provide the funds would result in imminent danger to the appellant's physical health and that the appellant has no other alternate resources to obtain the item. The panel will make a determination only on the reasonableness of the ministry's decision that the appellant's request does not meet the criterion that the need for the crisis supplement was unexpected.

Both parties agree that the appellant moved into a home that was rented to him as unfurnished. There was already a bed in the home that was left by the ex-tenant. The panel was given no evidence regarding any arrangement that may have been in place for the ex-tenant to reclaim the bed or if the bed was abandoned at the time the ex-tenant moved out. The evidence shows that the ex-tenant reclaimed the bed leaving the appellant without a bed to sleep on. Given the evidence before the ministry at the time the reconsideration decision was made, the panel finds the ministry was reasonable to determine the appellant would have known that he needed a bed. The home was rented to him unfurnished and therefore the need for a new bed was not unexpected therefore the panel finds that the ministry was reasonable to determine that this criterion of the EAPWDR Section 57 was not met.

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