

### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (“the ministry”) dated 02 April 2015 that denied the appellant’s request for a crisis supplement to cover \$488.28 in unpaid rent and repair costs. While the ministry determined that the appellant’s request met the criteria set out in section 59(1)(a) of the Employment and Assistance Regulation relating to an unexpected expense and no resources available, the ministry found that the request did not meet the requirements of section 59(1)(b) of the regulation. The ministry held that there is not sufficient evidence to establish that failure to meet the expense will result in imminent danger to the appellant’s physical health or the removal of a child under the *Child and Family and Community Service Act*.

### PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), section 59.

## PART E – Summary of Facts

The appellant did not appear at the hearing. After confirming that the appellant was notified of the hearing, the hearing proceeded in accordance with section 86(b) of the Employment and Assistance Regulation.

The evidence before the ministry at reconsideration included the following:

1. From the ministry's files:
  - The appellant is a sole recipient of income assistance, at a monthly assistance rate of \$610.
  - The rent for his trailer pad is paid by the ministry directly to his landlord.
  - His request for a crisis supplement in December 2014 to cover the costs of water pipe damage was denied.
  - His manufactured home is assessed (2013) at \$22,999, with a lien in 2013 of \$11,646.
2. A 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), served on the appellant on 05 January 2015 by his landlord. The Notice shows the amount owing as \$438.28 for over-due rent and damages to frozen water line.
3. An invoice dated 09 December 2014 to the landlord from a repair contractor for \$183.28 to repair the main water shut-off under the appellant's trailer park pad. The invoice states that the item froze due to the furnace being off and the heat tape being unplugged.
4. A second 10 Day Notice, in an updated format, dated 20 January 2015, providing additional detail: the unpaid rent is for \$255 due 01 June 2013, and the \$183.28 for the water pipe repair work.
5. An Order by an Arbitrator of the Dispute Resolution Services of the Residential Tenancy Branch dated 13 March 2015 for the appellant to pay the landlord \$488.28. The Arbitrator further orders that a copy of the order be served on the appellant at least 48 hours before enforcement.
6. The appellant's Request for Reconsideration, dated 31 March 2015. The appellant writes that his landlord broke his shutoff valve over the winter. He disputed the charge and lost. He does not have the money to pay for it and the landlord is asking for repossession and end of tenancy. He was behind on rent in June of 2013 because he spent money on utilities; otherwise he would not have had any heat or hydro. Since then he has been on a monthly plan and the ministry pays his rent directly to the landlord.

In his Notice of Appeal, dated 13 April 2015, the appellant writes:

"All money I am getting is going to the trailer for repairs and bills. [I] don't have money left to pay the landlord and don't want to be homeless."

At the hearing, the ministry stood by its reconsideration decision.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision, which denied the appellant's request for a crisis supplement to cover unpaid back rent and repair costs of \$488.28 under section 59(1)(b) of the EAR because there is not sufficient evidence to establish that failure to meet the expense will result in imminent danger to the appellant's physical health, is reasonably supported by the evidence or is a reasonable application legislation in the circumstances of the appellant.

The applicable legislation is from the EAR:

### **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
    - (ii) removal of a child under the *Child, Family and Community Service Act*.

The position of the ministry, as set out in the reconsideration decision, is that the available information does not demonstrate imminent danger to the appellant's physical health should he not meet the \$488.28 expense. A file review shows that the appellant pays pad rent and owns the manufactured home in which he lives – with a 2013 assessed value of \$22,900, against which there is a lien of \$11,648. The ministry concludes that the repossession and end of tenancy that the appellant is facing is as a result of the Order. However the appellant has not provided information confirming this or describing when this Order would take effect. "Imminent" implies a degree of immediacy that has not been demonstrated in the appellant's circumstances. Additionally he has not provided information showing he could not arrange to sell his manufactured home, pay his debts and secure new housing in order to avoid homelessness. There is no other available information to demonstrate an immediate danger to the appellant's physical health should he fail to meet his expense.

The appellant's position, as explained in his Notice of Appeal, is that, after other expenses, he does not have any money left to pay the landlord the amount owing. He does not want to be homeless.

### *Panel decision*

In his Notice of Appeal, the appellant states he needs the requested crisis supplement because he does not want to be homeless. In the reconsideration decision, the ministry also sets the appellant's request for a crisis supplement in the context of "in order to avoid homelessness." At the hearing, the ministry representative clarified homelessness as "living on the street." Taking into account the shelter, security and sanitary issues facing the homeless, the panel finds that the ministry was reasonable in considering that homelessness would present a situation that would pose a "danger to the physical health" of the appellant.

The issue before the ministry at reconsideration was whether, if the ministry failed to provide the requested amount to satisfy the terms of the Order, the appellant would likely face imminent homelessness. If indeed the appellant was likely to become homeless in the immediate future, the panel finds it reasonable for the ministry to expect a well documented explanation as to how the appellant's efforts to forestall such an eventuality have failed or are unlikely to succeed. As the ministry points out, the appellant has not provided any information as to the landlord's intentions regarding the enforcement of the Order, whether he has attempted to work out an arrangement with the landlord to repay the amount owing, or whether he has considered using the equity in his manufactured home to settle his debt and find alternative accommodation. Without such an explanation, the panel finds that the ministry was reasonable in determining that there is insufficient evidence to establish that the failure to meet the \$488.28 expense with result in imminent danger to the appellant's physical health.

Based on the foregoing, the panel finds that the ministry's decision to deny the requested crisis supplement is reasonably supported by the evidence. The panel therefore confirms the ministry's decision.