

PART C – Decision under Appeal

The decision under appeal is the March 11, 2015 reconsideration decision of the Ministry of Social Development and Social Innovation (the Ministry) in which the Ministry denied the Appellant's request for a crisis supplement in order to purchase a hot water tank. The Ministry determined the request did not meet all the required criteria pursuant to the *Employment and Assistance for Persons with Disabilities Regulations* (EAPWDR), Section 57 because the hot water tank cannot be considered as unexpected, and there is no evidence to support that failure to obtain the hot water tank will result in imminent danger to the Appellant's health. Furthermore the Ministry determined that the Appellant was ineligible for additional funding for a hot water tank under the EAPWDR, Schedule A, Section 4(2) because she is currently receiving the maximum allowable amount of shelter allowance.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulations (EAPWDR), Section 57

PART E – Summary of Facts

Evidence introduced by the Appellant for the hearing:

- A letter dated February 7, 2015 from the Appellant's insurance agency that states the file with regard to her mobile home insurance policy has been closed because the agency had not heard from the Appellant.
- A memo dated November 11, 2014 from the Appellant's previous insurance carrier to her insurance agency noting that the Appellant's hot water tank is over 14 years old and that they require water tanks age 15 or older to be replaced and requesting the replacement is done by the next renewal.
- A quote of \$1,116 for an insurance premium from an alternate insurance carrier.

The Ministry had no objections to this additional evidence. The Panel finds the letter dated February 7, 2015 supports the, the memo dated November 11, 2014, and the insurance premium quote support the evidence that was before the Ministry at the time of the reconsideration decision. Specifically the letter dated February 7, 2015 confirms the Appellant's current insurance policy was not renewed, The memo dated November 11, 2014 confirms the insurance carrier did notify the Appellant's insurance agent about the aging hot water tank and the quote from an alternate agent gives an indication of the cost of an insurance policy for the Appellant's mobile home. The Panel admits the documents as evidence under EAA, Section 22(4)(b).

The evidence before the Ministry at the time of reconsideration included the following:

- A letter dated March 9, 2015 from the Appellant specifying the reason for her request for reconsideration for a crisis grant is for money to replace her old hot water tank. She states that it is an unexpected need, that she does not have alternate resources to pay for a new tank, and that without house insurance, she is at risk of losing her home. She explains further that she was unaware that house insurance could be cancelled because of old appliances and that she is in a crisis situation if she is unable to renew her house insurance because it is also a requirement for her mortgage.
- A letter dated January 15, 2015 from the Appellant's insurance agency that states her current insurance carrier will not renew her policy because she has a hot water tank over 14 years old. The letter includes quotes from two other insurance carriers and states these quotes of premiums are much higher than her current insurance carrier. On questioning the Appellant stated the quotes were not included but she did not contact the agent to question the apparent omission.
- Three quotes for hot water tanks, one at \$975, the second at \$526.39 and the third at \$1,200.

At the hearing the Advocate stated the Appellant is a PWD recipient with no "wobble room" with her monthly shelter money. She stated the January 15, 2015 letter from her insurance agency was a shock and that she had no choice but to apply for a crisis supplement and if the Appellant was to lose her mortgage because of the lack of insurance, she could end up homeless and thus face imminent danger to her health.

Upon questioning from the Panel, the Appellant stated that she had lived in her mobile home for approximately 15 years and that she used the same insurance agent during that time but had different insurance carriers over the 15 years. She also stated that she had not seen the memo dated November 11, 2014 until sometime after she had received the letter dated January 15, 2015 from her

insurance agency. She explained that the insurance premium quote at \$1116 was from an alternate agency and she was not sure it was an accurate total because she had not given them all the information about her mobile home. She was not sure if they would carry her insurance once information such as an old hot water tank was revealed.

At the hearing the Ministry reviewed the three criteria for a crisis supplement as outlined in the reconsideration decision. The Ministry stated it was satisfied that the Appellant had no alternate resources to fund the replacement of her hot water tank and satisfied that criterion.

The Ministry stated it considers a hot water tank like all other appliances that age and must be expected to wear out and to be replaced and therefore is not an unexpected expense. Lastly, the Ministry stated there was no evidence before them to support the criterion that the Appellant's health was in imminent or immediate danger if the hot water tank is not replaced.

Furthermore, the Ministry noted that disability rates allow for maintenance and repairs to a recipient's home to be included in the calculation of the amount of shelter costs, however the Appellant is already receiving the maximum allowable amount of shelter allowance. Therefore additional funding cannot be added to her shelter allowance for the hot water tank replacement.

The Panel finds as fact that the Appellant is a current recipient of PWD benefits and owner of a mobile home for 15 years who has lost her current home insurance coverage due to having a 15 year old hot water tank in her mobile home.

PART F – Reasons for Panel Decision

The main issue in this appeal is whether the Ministry's reconsideration decision 11 March 2015 in which Ministry denied the Appellant's request for a crisis supplement in order to purchase a hot water tank because the hot water tank cannot be considered as unexpected, and there is no evidence to support that failure to obtain the hot water tank will result in imminent danger to the Appellant's health pursuant to the EAPWDR, Section 57, is reasonably supported by the evidence or is a reasonable application of the legislation in the circumstances of the Appellant. An additional issue is whether it is a reasonable application of the legislation for the Ministry to determine that the Appellant was ineligible for funding under the EAPWDR, Schedule A, Section 4(2) because she is currently receiving the maximum allowable amount of shelter allowance.

The following legislation applies to this appeal:

EAPWDR Section 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,

EAPWDR Schedule A Section 4

Maximum shelter allowance

4 *(1) An applicant is eligible for a shelter allowance for his or her family unit not exceeding the smaller of (a) the family unit's actual shelter costs, and*

(b) the maximum set out in Table 2 for the applicable family unit size.

The Ministry submits the Appellant is receiving her maximum allowed shelter allowance as per the disability rate schedule and additional funding cannot be added to it to cover the cost of a hot water tank. The Panel finds the Ministry's determination that the request could not be funded as additional shelter allowance reasonable.

The Ministry accepts that the Appellant has explored alternate resources and has no resources available to purchase a new hot water tank and therefore meets one of the criteria for a crisis supplement.

The Appellant argues that it was unexpected to have her house insurance cancelled due to an old hot

water tank and that she is in imminent danger of homelessness if anything should happen with no insurance.

The Ministry argues that it is normal for appliances to wear out after many years of service and therefore the need cannot be considered as an unexpected item of need or expense and therefore the request does not meet the criteria.

The Ministry argues there is no evidence to support that the Appellant's health is in imminent or immediate danger if the hot water tank is not replaced or if the house insurance is not renewed and therefore the Appellant does not meet the criteria as set out in the legislation.

The Panel finds the Ministry's determination that the hot water tank cannot be considered as an unexpected expense or need is reasonable because the Appellant has been a mobile home owner for 15 years with home insurance and mortgage requirements and a hot water tank is a typical appliance within a home that may require some maintenance or replacement over time. The Panel finds the Ministry's determination that the request did not meet this criterion is reasonable.

The Panel finds the evidence submitted that the Appellant that her current house insurance policy has not been renewed does not result in imminent danger to the Appellant's physical health. The Panel finds the Ministry's determination is reasonable that there is insufficient evidence to support that failure to obtain the hot water tank will result in imminent danger to the Appellant's health and that the request did not meet this criterion.

Accordingly, the Panel finds the Ministry's determination to deny the Appellant's request for a crisis supplement in order to replace a hot water tank was a reasonable application of the legislation in the circumstances of the Appellant. The Panel therefore confirms the Ministry's decision.